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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन में संकलित रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

**Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)**

भारत निर्वाचन आयोग
आदेश

नई दिल्ली, 25 अप्रैल, 1979

का० आ० 1972.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 208-सनाथनगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस० सथ्यानारायण, मकान नं० 7-2-77, सनाथनगर, हैदराबाद (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस० सथ्यानारायण को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० आ० प्र०-वि० सं०/208/78(33)]

ELECTION COMMISSION OF INDIA
ORDER

New Delhi, the 25th April, 1979

S.O. 1972.—Whereas the Election Commission is satisfied that Shri S. Sathyanarayana, H. No. 7-2-77, Sanathnagar, Hyderabad (Andhra Pradesh), a contesting candidate for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 208-Sanathnagar constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. Sathyanarayana to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/208/78(33)]

आदेश

का० आ० 1973.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 113-मारपुर सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कुरासेनू सुप्कारा, पी० मुरीकीपुडू, ताल्लुक मारासारोपत,

जिला मुख्यालय (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्वीम बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्पत्क सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कुरसेन्दु सुन्कारा को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथम विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. आ०प्र०-वि०स०/113/78(34)]

ORDER

S.O. 1973.—Whereas the Election Commission is satisfied that Shri Kurasenudu Sunkara, Murikipudi Post, Narasaraopet Taluk, District Guntur (Andhra Pradesh), a contesting candidate for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 113-Murtur assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kurasenudu Sunkara to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/113/78(34)]

आदेश

नई दिल्ली, 3 मई, 1979

का०आ० 1974 —यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 87-कैकालूर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कोथापल्ली वेन्कटराजू, स्टेशन रोड, पो० मंडावल्ली, तालुक कैकालूर (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्वीम बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्पत्क सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कोथापल्ली वेन्कटराजू को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथम विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. आ०प्र०-वि०स०/87/78(36)]

डी० तारासुब्रमण्यन, सचिव

ORDER

New Delhi, the 3rd May, 1979

S.O. 1974.—Whereas the Election Commission is satisfied that Shri Kothapalli Venkataraju, Station Road, Mandavalli Post, Kaikalur Taluk (Andhra Pradesh), a contesting candidate

for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 87-Kaikalur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kothapalli Venkataraju to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/87/78(36)]

V. NAGASUBRAMANIAN, Secy.

आदेश

नई दिल्ली, 4 मई, 1979

का०आ० 1975.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए पंजाब विधान सभा के लिए साधारण निर्वाचन के लिए 23-तारन तारन निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बख्शन लाल फौजी, मोहल्ला नानाक्षर, तारन तारन, जिला अमृतसर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्वीम बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, सम्पत्क सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रस्तुत नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बख्शन लाल फौजी को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथम विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं. पंजाब-वि०स०/23/77]

आर० डी० शर्मा, प्रवर सचिव

ORDER

New Delhi, the 4th May, 1979

S.O. 1975.—Whereas the Election Commission is satisfied that Shri Bachan Lal Fauji, Mohalla Nanaksar, Tarn Taran, District Amritsar (Punjab) a contesting candidate for general election to the Punjab Legislative Assembly held in June, 1977 from 23-Tara Taran constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bachan Lal Fauji to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/23/77]

R. D. SHARMA, Under Secy.

नई दिल्ली, 16 मई, 1979

New Delhi, the 22nd May, 1979

क्र० आ० 1978.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 170-खुज्जी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अग्रर चन्द जैन, ग्राम व डा० डोंगरगांव, जिला राजनांदगांव (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अग्रर चन्द जैन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म०प्र०-वि०स० 170/77]

New Delhi, the 16th May, 1979

S.O. 1976.—Whereas the Election Commission is satisfied that Shri Agar Chand Jain, Village & P.O. Dongargaon, District Rajnandgaon (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 170-Khujji constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Agar Chand Jain to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/170/77]

नई दिल्ली, 22 मई, 1979

क्र० आ० 1977.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 147-फालासिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भुरी लाल, निवासी मावसा, पोस्ट-मावडी, महसील-झाड़ोल, जिला उदयपुर, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भुरी लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० राज०-वि० स० 147/77(13)]

S.O. 1977.—Whereas the Election Commission is satisfied that Shri Bhuri Lal, Village Media, P.O. Madri, Tehsil Jhadol, District Udaipur, Rajasthan a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 147-Phalasias constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhuri Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/147/77(13)]

आदेश

क्र०आ० 1978.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए तमिल नाडु विधान सभा के लिए साधारण निर्वाचन के लिए 75-थल्ली सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री थेन रामसामी, किडवाई स्ट्रीट, देनकानीकोट्टई, जिला धर्मपुरी (तमिल-नाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री थेन रामसामी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० त०न०-वि०स०/75/77(37)]

ORDER

S.O. 1978.—Whereas the Election Commission is satisfied that Shri Then Ramaswamy, Kidwai Street, Denkanikottai, Dharmapuri District, (Tamil Nadu), a contesting candidate for general election to the Tamil Nadu legislative assembly held in June, 1977 from 75-Thalli assembly constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Then Ramaswamy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State for a period of three years from the date of this order.

[No. TN-LA/75/77(37)]

प्रादेश

का० प्रा० 1979.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 13-कर्माल निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केशरदास, 17/9, राम नगर, कर्माल (हरियाणा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्सूची बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री केशरदास को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० हरि० वि० सं०/13/77]

ORDER

S.O. 1979.—Whereas the Election Commission is satisfied that Shri Kesar Dass, 70/9, Ram Nagar, Karnal (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 13-Karnal constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kesar Dass to be disqualified for being chosen, as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/13/77]

प्रादेश

नई दिल्ली, 24 मई, 1979

का० प्रा० 1980.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 41-सोनीपत निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हवा सिंह, गांव ३ डा० सावल कलां, तह० ब जिला सोनीपत, हरियाणा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्सूची बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकित्य नहीं है ।

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हवा सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० हरि० वि० सं०/41/77]

ORDER

New Delhi, the 24th May, 1979

S.O. 1980.—Whereas the Election Commission is satisfied that Shri Hawa Singh, Village and P.O. Sandhal Kalan, Sonapat (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 41-Sonepat constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Hawa Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/41/77]

नई दिल्ली, 25 मई, 1979

का० प्रा० 1981.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उप-धारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, प्रजमान और निकोबार द्वीप प्रशासन के परामर्श से, श्री प्रशोक जोशी, मुख्य सचिव प्रजमान और निकोबार द्वीप प्रशासन, को अपना कार्यभार संभालने की तारीख से और अगले आदेशों तक श्री आर०एस० राय के स्थान पर, प्रजमान और निकोबार द्वीप संघ राज्यक्षेत्र के लिए मुख्य निर्वाचन अधिकार के रूप में एतद्वारा नामनिर्दिष्ट करता है ।

[सं० 154/प्रजमान/79]

New Delhi, the 25th May, 1979

S.O. 1981.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Andaman and Nicobar Islands Administration hereby nominates Shri Ashoka Joshi, Chief Secretary of Andaman and Nicobar Administration as the Chief Electoral Officer for the Union Territory of Andaman and Nicobar Islands with effect from the date he takes over charge and until further orders vice Shri R. S. Rai.

[No. 154/ANI/79]

प्रादेश

नई दिल्ली, 26 मई, 1979

का० प्रा० 1982.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 48-फागी (अ०जा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ब्रजलाल, कुन्दनपुरा, तंगनेर, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्सूची बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और मत: उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री धन्ना लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथम विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि०सं०/48/77(14)]

ORDER

New Delhi, the 26th May, 1979

S.O. 1982.—Whereas the Election Commission is satisfied that Shri Dhanna Lal, Kundanpura, Sanganer, Rajasthan a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 48-Phagi (S.C.) constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dhanna Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/48/77(14)]

का०प्रा० 1983.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 33-मुरादाबाद निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अब्दुल रसीद मोहम्मद तम्बाकू वाला-2, मकान नं० बी-12/1 मुरादाबाद (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विध बनाए गए नियमों द्वारा प्रपक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अब्दुल रसीद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथम विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०सं० 33/77(12)]

S.O. 1983.—Whereas the Election Commission is satisfied that Shri Abdul Rashid, Mohalla Tambacoowala-2, House No. D-12/1, Moradabad (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 33-Moradabad constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Rashid to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/33/77(12)]

नई दिल्ली, 28 मई, 1979

का०प्रा० 1984.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिये 31-कुन्दरकी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिशुपाल सिंह, ग्राम ब पोस्ट सनाई, जिला मुरादाबाद (उत्तर प्रदेश) के लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विध बनाए गए नियमों द्वारा प्रपक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण प्रस्तुत नहीं किया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिशुपाल सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथम विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०सं०/31/77(13)]

New Delhi, the 28th May, 1979

S.O. 1984.—Whereas the Election Commission is satisfied that Shri Shishupal Singh, Village and Post Sanai, District Moradabad (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 31-Kunderki constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shishupal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/31/77(13)]

का०प्रा० 1985.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये 422-हरिद्वार निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राज कुमार, ग्राम अलीपुरा, डा० नहावाबाद, जिला सहारनपुर (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विध बनाए गए नियमों द्वारा प्रपक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राजकुमार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ०प्र०-वि०स०/422/77/(14)]

S.O. 1985.—Whereas the Election Commission is satisfied that Shri Raj Kumar, Village Alipur, Post Bahadarbad, District Saharanpur (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 422-Hardwar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Raj Kumar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/422/77(14)]

आदेश

का० प्रा० 1886.—यतः, निर्वाचन आयोग का समाधान हो गया है कि दिसम्बर, 1977 में हुए त्रिपुरा विधान सभा के लिए साधारण निर्वाचन के लिए 46-सुरमा (अ०बा०) निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बरिन्द्र दास, ग्राम जवाहर नगर, डाक० चन्द्रायपारा बाया हाक० भम्बासा, जिला उत्तर त्रिपुरा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा वाञ्छित करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बरिन्द्र दास को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त्रिपुरा-वि० स०/46/77]

ORDER

S.O. 1986.—Whereas the Election Commission is satisfied that Shri Barindra Das, Village Jawarnagar, P.O. Chandrai-para, Via P. O. Ambasa, District North Tripura, a contesting candidate for general election to the Tripura Legislative Assembly from 46-Surma (SC) assembly constituency, held in December, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Barindra Das, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TP-LA/46/77]

आदेश

का० प्रा० 1887.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1977 में बिहार में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 34-नालन्दा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजेन्द्र प्रसाद, ग्राम रैनरी, पीस्ट-चमारबीघा, जिला नालन्दा (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वाञ्छित करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राजेन्द्र प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-लो०स०/34/77(10)]

ORDER

S.O. 1987.—Whereas the Election Commission is satisfied that Shri Rajendra Prasad, Village Renri, P.O. Chamarbigha, District Nalanda (Bihar) a contesting candidate for general election to the House of the People in the State of Bihar held in March, 1977 from 34-Nalanda constituency, has failed to lodge an account of his election expenses at all required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rajendra Prasad to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/34/77(10)]

आदेश

का० प्रा० 1988.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 38-बीमू निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बीमसल, बासा (कुणलपुरा) नाया समोद, तहसील भम्बर, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा वाञ्छित करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चौधमल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि०स०/38/77/(15)]

ORDER

S.O. 1988.—Whereas the Election Commission is satisfied that Shri Chauthmal, Basa (Kushalpur) Via Samod, Tehsil Amber, Rajasthan a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 38-Chomu constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chauthmal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/38/77(15)]

आदेश

का० प्रा० 1989.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 51-फरीदाबाद निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टीका राम गौड़, गौड़ प्रिन्टिंग प्रेस, 5-एस/76, एन० आई० टी०, फरीदाबाद लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्पक्षीय बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री टीका राम गौड़ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० हरि० वि० स०/51/77]

ORDER

S.O. 1989.—Whereas the Election Commission is satisfied that Shri Tika Ram Gaur, Printing Press, 5-L/76, N.I.T., Faridabad (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 51-Faridabad constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Tika Ram Gaur to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/51/77]

आदेश

का० प्रा० 1990.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 63-दाढ़ड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिप्रोपाल, गांव व डा० निवाला, तहसील दाहरी (हरियाणा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्पक्षीय बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिप्रोपाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० हरि० वि० स० / 63/77]

ORDER

S.O. 1990.—Whereas the Election Commission is satisfied that Shri Sheo Pal, Village & P.O. Tiwala, Tehsil Dadra (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 63-Bhadra constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sheo Pal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/63/77]

आदेश

का० प्रा० 1991.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 67-सोनाम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सज्जन कुमार, ग्राम जनाना, डा० गरमपुरा, तह० व जिला पश्चिमी, (हरियाणा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तत्पक्षीय बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः श्रद्धा उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सज्जन कुमार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० हरि० वि० सं०/67/77]

ORDER

S.O. 1991.—Whereas the Election Commission is satisfied that Shri Sajjan Kumar, Village Chanana, P.O. Garpura, Teh. & District Bhiwani (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June 1977 from 67-Tosham constituency, has failed to lodge an account of his election expenses of all as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sajjan Kumar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/67/77]

आदेश

नई दिल्ली, 29 मई, 1979

का० प्रा० 1992.—यतः निर्वाचन आयोग का समाधान हो गया है कि विसम्बर, 1977 में हुए त्रिपुरा विधान सभा के लिए साधारण निर्वाचन के लिए 5-खयेरपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सीतल चन्द्र दास, कलीनगर, रानीरबाजार, पश्चिम त्रिपुरा जिला, (त्रिपुरा राज्य) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तबधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सीतल चन्द्र दास को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० त्रिपुरा-वि० सं०/5/77]

ORDER

New Delhi, the 29th May, 1979

S.O. 1992.—Whereas the Election Commission is satisfied that Shri Sital Chandra Das, Kalinagar, Ranir Bazar, West Tripura District, (Tripura State) a contesting candidate for general election to the Tripura Legislative Assembly from 5-Khayerpur assembly constituency, held in December, 1977 has failed to lodge an account of his election expenses as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And Whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said

Shri Sital Chandra Dass to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TP-LA/5/77]

का० प्रा० 1993.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए पश्चिमी बंगाल विधान सभा के लिए साधारण निर्वाचन के लिए 94-बदुरिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मोल्ला मोहम्मद युनुस, 18 चान्दनी चौक स्ट्रीट, कलकत्ता-13 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तबधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए, कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मोल्ला मोहम्मद युनुस को संसद के किसी भी सदन के या किसी की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प० वि० सं०/94/77]

S. O. 1993.—Whereas the Election Commission is satisfied that Shri Molla Mohammad Yunus, 18, Chandni Chawk Street, Calcutta-13 a contesting candidate for general election to the West Bengal Legislative Assembly from 94-Baduria assembly constituency, held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder ;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Molla Mohammad Yunus, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/94/77]

आदेश

नई दिल्ली, 30 मई, 1979

का० प्रा० 1994.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए पश्चिमी बंगाल विधान सभा के लिए साधारण निर्वाचन के लिए 117-सतगाछिया निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हिमांगसू रोय, डी-101-वि बिरसापुर टेनामैट फाटर्, डाक० बिरसापुर, जिभा 24-परगना। लोक प्रतिनिधित्व अधिनियम, 1951 तथा तबधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

श्रीर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हिमांगसू रॉय को संसद के किसी भी सदन के या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० प० बं०-वि०स०/117/77]

ORDER

New Delhi, the 30th May, 1979

S.O. 1994.—Whereas the Election Commission is satisfied that Shri Himangsu Roy, D-101-Birlapur Tenement Quarter, P.O. Birlapur, District 24-Parganas, a contesting candidate for general election to the West Bengal Legislative Assembly from 117-Satgachia assembly constituency, held in June, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Himangsu Roy, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/117/77]

आदेश

का० प्रा० 1995.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 392-गड़मुक्तेश्वर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रनबीर सिंह, ग्राम ब डा० सिम्भावली, जिला गाज़ियाबाद (उत्तर प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क अ के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रनबीर सिंह को संसद के किसी भी सदस्य के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र०-वि०स० 392/77(15)]

ORDER

S.O. 1995.—Whereas the Election Commission is satisfied that Shri Ranbeer Singh, Village and Post Simbhaoli, District Ghaziabad (Uttar Pradesh), a contesting candidate for general

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election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 392-Garhmukteshwar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ranbeer Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/392/77/(15)]

आदेश

नई दिल्ली, 31 मई, 1979

का० प्रा० 1996.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 18-धामपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मुखराम सिंह, मोहल्ला बरवान, धामपुर, जिला बिजनौर (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित करने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मुखराम सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० उ० प्र० वि०स०/18/77 (16)]

ORDER

New Delhi, the 31st May, 1979

S.O. 1996.—Whereas the Election Commission is satisfied that Shri Mukh Ram Singh, Mohalla Barwan, Dhampur, District Bijnor, Uttar Pradesh a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 18-Dhampur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Mukh Ram Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/18/77(16)]

नई दिल्ली, 2 जून, 1979

का० प्रा० 1997.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत निर्वाचन आयोग, गुजरात सरकार के परामर्श से श्री आर० बी० चन्द्रमौलि, सचिव, गृह विभाग को उनके कार्यभार सम्भालने की तारीख से अगले आदेशों तक गुजरात राज्य के मुख्य निर्वाचन अधिकारी के रूप में एतद्वारा नामनिर्देशित करता है।

[सं० 154/गुज०/79]

आदेश से,

बी० नागसुब्रमण्यन, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 2nd June, 1979

S.O. 1997.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Gujarat hereby nominates Shri R. V. Chandramouli, Secretary to Government, Home Department as the Chief Electoral Officer for the State of Gujarat with effect from the date he takes over charge and until further orders.

[No. 154/GJ/79]

By Orders,

V. NAGASUBRAMANIAN, Secy.

नई दिल्ली, 26 मई, 1979

सुद्धि पत्र

का० प्रा० 1998.—भारत के राजपत्र असाधारण भाग 2 खण्ड-3 उपखण्ड (2) तारीख 16 मई, 1979 सं० 207 एवं 208 में क्रमशः प्रकाशित भारत निर्वाचन आयोग की अधिसूचना सं० 100/त०ना०/लो० सं०/1/78 (3) तथा सं० 100/त०ना०/लो० सं०/1/79/(3) के अन्त में "बी० नागसुब्रमण्यन, सचिव" शब्दों के ऊपर "आदेश से" शब्द जोड़े जाएं।

[सं० 100/टी०एन०-एच०पी०/1/78/239]

के० गणेशन, धवर सचिव

New Delhi, the 26th May, 1979

ERRATA

S.O. 1998.—In the Election Commission's notifications dated 16th May, 1979, published as S.O.s 285(E) to 287(E) and S.O.s 288(E) to 290(E) respectively at pages 523-524 and 525-526 of the extraordinary issues Nos. 207 and 208 of the Gazette of India, Part II-Section 3-Sub-section (ii) of the same date,—

(i) in the second paragraph of the notification published as S.O. 285(E), at page 523, after the words "a person to fill the said vacancy" insert the word "before"; and

(ii) in each of the notifications published as S.O.s 287(E) and 290(E) respectively at pages 524 and 526, above the name and, designation "V. Nagasubramanian, Secy." appearing at the end, insert the words "By Order".

[No. 100/TN-HP/1/78/239]

K. GANFASAN, Under Secy.

विधि, न्याय तथा कम्पनी कार्य मंत्रालय

(न्याय विभाग)

नई दिल्ली, 1 जून, 1979

का० प्रा० 1999.—नोटरी नियमावली, 1936 के नियम 11 के उपनियम 5 के अनुसरण में भारत सरकार एतद्वारा अनिवार्य प्रिंसिपल न्यायाधीश सिटी सिविल जज न्यायालय, बम्बई को एक ऐसा अधिकारी

नियुक्त करती है जिसको केन्द्रीय सरकार द्वारा नियुक्त किये गये ग्रेटर बम्बई में प्रैक्टिस करने वाले नोटरियों के नोटरियल रजिस्ट्रारों का निरीक्षण करने की शक्ति प्रदान की गई है।

[सं० 22/7/77-न्याय]

एन० डी० हिन्दी, उप सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Justice)

New Delhi, the 1st June, 1979

S.O. 1999.—In pursuance of Sub-Rule (5) of Rule 11 of the Notaries Rules, 1956 the Central Government hereby appoints the Additional Principal Judge, City Civil Court, Bombay, to be the Officer empowered to inspect the Notarial Register of Notaries appointed by the Central Government and who are practising in Greater Bombay.

[No. 22/7/77-Jus.]

L. D. HINDI, Dy. Secy.

(कम्पनी कार्य विभाग)

का० प्रा० 2000.—एकाधिकार एवं निबन्धकारी व्यापार तथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा, मै० शंकर इलेक्ट्रिकल प्राइवेट लिमिटेड, के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र संख्या 253) के निरस्तीकरण को अधिसूचित करती है।

[सं० 2/3/78-एम० 2/एम० 1]

(Department of Company Affairs)

S.O. 2000.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the Registration of M/s. Sankar Electrical Private Limited under the said Act (Certificate of Registration No. 253).

[No. 2/3/78-M(II)/M(II)]

नई दिल्ली 4 जून, 1979

का० प्रा० 2001.—एकाधिकार एवं निबन्धकारी व्यापार तथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मै० एक्सप्रेस ट्रेडर्स के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र सं० 1014/75) के निरस्तीकरण को अधिसूचित करती है।

[सं० 23/17/79-एम(1)]

बी० बी० टण्डन, उप-सचिव

New Delhi, the 4th June, 1979

S.O. 2001.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the Registration of M/s. Express Traders under the said Act (Certificate of Registration No. 1014/75).

[No. 23/17/79-M(1)]

B. B. TANDON, Dy. Secy.

नई दिल्ली, 5 जून, 1979

का० प्रा० 2002.—केन्द्रीय सरकार, चार्टर्ड एकाउन्टेन्ट अधिनियम, 1949 (1949 का 38) की धारा 4 की उपधारा (1) के खण्ड (iv) के अनुसरण में, भारत सरकार के विधि, व्यापार और कम्पनी कार्य मंत्रालय (कम्पनी कार्य विभाग) की अधिसूचना सं० का० प्रा० 2860 तारीख 25 सितम्बर, 1973 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में,—

(क) “उक्त अधिसूचना के प्रारंभ पर और अभ्यावेदन के लिए आवेदन करने के समय, लेखापरीक्षक के रूप में व्यवसायरत था” शब्दों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“केवल निम्नलिखित शर्तें पूरी करती होंगी, अर्थात्, किसी व्यक्ति को इस अधिनियम के प्रारम्भ की तारीख को वह उस राज्य में लेखापरीक्षक के रूप में व्यवसायरत था और अभ्यावेदन के लिए आवेदन की तारीख को किसी राज्य या संघ राज्य क्षेत्र में लेखापरीक्षक के रूप में व्यवसायरत है (भले ही वह किसी मध्यवर्ती अवधि के दौरान कुछ समय के लिए लेखापरीक्षक के रूप में व्यवसायरत न रहा हो)”

(ख) अंत में निम्नलिखित स्पष्टीकरण अंतःस्थापित किया जाएगा, अर्थात् :—

“स्पष्टीकरण—शंकाओं के निवारण के लिए, यह घोषणा की जाती है कि इस अधिसूचना में विनिर्दिष्ट शर्तों को पूरा करने वाला व्यक्ति भारतीय चार्टर्ड लेखापाल संस्थान के सदस्यों के रजिस्टर में अपना नाम प्रविष्ट कराने का हकदार होगा भले ही भारत सरकार के भूतपूर्व वाणिज्य और उद्योग मंत्रालय (कम्पनी विधि प्रशासन विभाग) की अधिसूचना सं० का० प्रा० 1577, तारीख 27 जून, 1961 में विनिर्दिष्ट शर्तों में से सभी या किसी को वह पूरा न करता हो।”

[का० सं० 2/7/79-सी एल]

के० एन० रामचन्द्रन, उप-सचिव

New Delhi, the 5th June, 1979

S.O. 2002.—In pursuance of clause (iv) of sub-section (1) of section 4 of the Chartered Accountants Act, 1949 (38 of 1949), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) number S.O. 2860 dated the 25th September, 1973, namely :—

In the said notification,—

(a) for the words “have been in practice as an auditor on the commencement of the said Act and at the time of his application for enrolment”, the following shall be substituted, namely :—

“have to fulfil only the following conditions, namely, that he was in practice as an auditor in any Part B State on the commencement of the said Act in that State and is in practice as an auditor in any State or Union Territory at the time of his application for enrolment (whether or not he ceased to be in practice as an auditor during any portion of the intervening period)”;

(b) the following Explanation shall be inserted at the end, namely :—

“Explanation—For the removal of doubts, it is hereby declared that a person who fulfils the conditions specified in this notification shall be entitled to have his name entered in the register of members of the Institute of Chartered Accountants of India notwithstanding that he does not fulfil all or any of the conditions specified in the notification

of the Government of India in the late Ministry of Commerce and Industry (Department of Company Law Administration) No. S.O. 1577 dated the 27th June, 1961.”

[File No. 2/7/79-C. L. V]
K. N. RAMCHANDRAN, Dy. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 22 दिसम्बर, 1978

आय-कर

का० प्रा० 2003.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “इण्डियन इकॉनॉमिक एसोसिएशन” को निर्धारण वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2621/का० सं० 197/173/78-प्रा० क०(ए1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 22nd December, 1978

INCOME-TAX

S.O. 2003.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Indian Economic Association” for the purpose of the said section for and from the assessment year 1978-79.

[No. 2621/F. No. 197/173/78-IT(AI)]

का० प्रा० 2004.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “दि गवर्नर ऑफ वेस्ट बंगाल्स ऑल परपस बेनेवोलेंट फंड” को निर्धारण वर्ष 1968-69 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2622/का० सं० 197/186/78-प्रा० क०(ए1)]

S.O. 2004.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The Governor of West Bengal's All Purposes Benevolent Fund” for the purpose of the said section for and from the assessment year 1968-69.

[No. 2622/F. No. 197/186/78-IT(AI)]

नई दिल्ली, 30 दिसम्बर, 1978

का० प्रा० 2005.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “गुजरात राज्या राहत समिति, अहमदाबाद, को निर्धारण वर्ष 1972-73 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2626 (का० सं० 197/139/78-प्रा० क० (ए1)]

एम० शास्त्री, अवर सचिव

New Delhi, the 30th December, 1978

S.O. 2005.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Gujarat Rajya Rahat Samiti, Ahmedabad” for the purpose of the said section for and from the assessment year(s) 1972-73.

[No. 2626 (F. No. 197/139/78-IT(AI)]

M. SHASTRI, Under Secy.

नई दिल्ली, 4 जनवरी, 1979

का० आ० 2006:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "यूनाइटेड सर्विस इंस्टीट्यूशन ऑफ इण्डिया, नई दिल्ली" को निर्धारण वर्ष 1973-74 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2636/का० सं० 197/180/77-आ०क(ए-1)]

New Delhi, the 4th January, 1979

S.O. 2006.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "United Service Institution of India, New Delhi" for the purpose of the said section for and from the assessment year (s) 1973-74.

[No. 2636/F. No. 197/180/77-IT(AI)]

का० आ० 2007:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "यूसुफ मेहेरली सेंटर, मुम्बई" को निर्धारण वर्ष 1972-73 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2638/का० सं० 197/89/78-आ० क०(ए-1)]

S.O. 2007.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Yusuf Meherally Centre, Bombay" for the purpose of the said section for and from the assessment year(s) 1972-73.

[No. 2638/F. No. 197/89/78-IT(AI)]

नई दिल्ली, 10 जनवरी, 1979

का० आ० 2008:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "लिटल सिस्टर्स ऑफ दि पूअर, कलकत्ता" को निर्धारण वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2649/का० सं० 197/94/78-आ० क०(ए-1)]

New Delhi, the 10th January, 1979

S.O. 2008.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Little Sisters of the Poor, Calcutta" for the purpose of the said section for and from the assessment year 1978-79.

[No. 2649/F. No. 197/94/78-IT(AI)]

का० आ० 2009:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "जवाहरलाल नेहरू मेमोरियल फण्ड" को निर्धारण वर्ष 1966-67 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2650/का० सं० 197/96/78-आ० क०(ए-1)]

S.O. 2009.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jawaharlal Nehru Memorial Fund" for the purpose of the said section for and from the assessment year 1966-67.

[No. 2650/F. No. 197/96/78-IT(AI)]

का० आ० 2010:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "वोल्कार्ट फाउण्डेशन, मुम्बई" को निर्धारण वर्ष 1977-78 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2651/का० सं० 197/122/78-आ० क०(ए-1)]

S.O. 2010.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Volkart Foundation, Bombay" for the purpose of the said section for and from the assessment year 1977-78.

[No. 2651/F. No. 197/122/78-IT(AI)]

नई दिल्ली, 15 जनवरी, 1979

का० आ० 2011:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "कैथेड्रल रिलीफ सर्विस कलकत्ता" को निर्धारण वर्ष 1976-77 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2665/का० सं० 197/215/77-आ० क०(ए-1)]

New Delhi, the 15th January, 1979

S.O. 2011.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Cathedral Relief Service, Calcutta" for the purpose of the said section for and from the assessment year(s) 1976-77.

[No. 2665/F. No. 197/215/77-IT(AI)]

नई दिल्ली, 31 जनवरी, 1979

का० आ० 2012:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "दि जे० आर० डी० टाटा ट्रस्ट, मुम्बई" को निर्धारण वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2701/का० सं० 197/123/78-आ० क०(ए-1)]

New Delhi, the 31st January, 1979

S.O. 2012.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The J.R.D. Tata Trust, Bombay" for the purpose of the said section for and from the assessment year(s) 1978-79.

[No. 2701/F. No. 197/123/78-IT(AI)]

नई दिल्ली, 1 मार्च, 1979

का० आ० 2013:—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(iv) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है अर्थात् :—

- (i) यह कि राष्ट्रीय शैक्षणिक अनुसंधान और प्रशिक्षण परिषद्, नई दिल्ली प्राकृतिक या अनुप्रयुक्त (कृषि/पशुपालन/मात्स्यिकी और औषधि से विभिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक् हिसाब रखेगी।

- (ii) यह कि उक्त परिषद् प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्ररूपों में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकथित किए जाएं और उसे सूचित किए जाएं।

संस्था

राष्ट्रीय शैक्षणिक अनुसंधान और प्रशिक्षण परिषद्, नई दिल्ली।

यह अधिसूचना 13-10-78 से 12-10-81 तक की तीन वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 2738/फा० सं० 203/144/78-आई टी ए-II)]

New Delhi, the 1st March, 1979

S.O. 2013.—[It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category 'Institution' in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that National Council of Educational Research and Training, New Delhi, will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries and medicines).
- (ii) That the said Council will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April each year.

INSTITUTION

National Council of Educational Research and Training, New Delhi.

This notification is effective for a period of three years from 13-10-1978 to 12-10-1981.

[No. 2938/F. No. 203/144/78-IT A-II]

नई दिल्ली, 6 मार्च, 1979

फा० आ० 2014. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "ग्रॉस इण्डिया फेडरेशन ऑफ दि ब्लैक" को निर्धारण वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2742/फा० सं० 197/39/79-आ० क० (ए-1)]

New Delhi, the 6th March, 1979

S.O. 2014.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "All India Federation of the Deaf" for the purpose of the said section for and from the assessment year(s) 1978-79.

[No. 2742/F. No. 197/39/79-IT (A-I)]

नई दिल्ली, 16 मार्च, 1979

फा० आ० 2015. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "बैलकॉर्ट फाउण्डेशन, मुम्बई" को निर्धारण वर्ष 1976-77 के लिए भी उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2744/फा० सं० 197/122/78-आ० क० (ए-1)]

New Delhi, the 16th March, 1979

S.O. 2015.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Volkart Foundation, Bombay' for the purpose of the said section for the assessment year 1976-77 also.

[No. 27144/F. No. 197/122/78-IT(A-I)]

फा० आ० 2016. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "सेंट डनस्टान्स (इण्डिया) फण्ड, नई दिल्ली" को निर्धारण वर्ष 1974-75 और 1975-76 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2745/फा० सं० 197/171/78-आ० क० (ए-1)]

S.O. 2016.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "St. Dunstan's (India) Fund, New Delhi" for the purpose of the said section for the assessment year(s) 1974-75 and 1975-76.

[No. 2745/F. No. 197/171/78-IT (A-I)]

नई दिल्ली, 22 मार्च, 1979

फा० आ० 2017. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "इण्डियन काउंसिल ऑफ सोशल वेलफेयर, हैदराबाद" को निर्धारण वर्ष 1976-77 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2750/फा० सं० 197/1/78-आ० क० (ए-1)]

New Delhi, the 22nd March, 1979

S.O. 2017.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Indian Council of Social Welfare, Hyderabad' for the purpose of the said section for and from the assessment year 1976-77.

[No. 2750/F. No. 197/1/78-IT (A-I)]

फा० आ० 2018. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "ल्योरड्स सोसाइटी" को निर्धारण वर्ष 1975-76 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2751/फा० सं० 197/156/78-आ० क० (ए-1)]

S.O. 2018.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Lourdes Society' for the purpose of the said section for and from the assessment year 1975-76.

[No. 2751/F. No. 197/156/78-IT (A-I)]

नई दिल्ली, 23 मार्च, 1979

फा० आ० 2019. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'नेशनल चिल्ड्रेन्स' फण्ड को निर्धारण वर्ष 1979-80 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2752/फा० सं० 197/55/79-आ० क० (ए-1)]

New Delhi, the 23rd March, 1979

S.O. 2019.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'National Children's Fund' for the purpose of the said section for and from the assessment year 1979-80.

[No. 2752/F. No. 197/55/79-IT (AD)]

नई दिल्ली, 27 मार्च, 1979

का० प्रा० 2020. :—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय सामाजिक विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है :—

(1) इस छूट के अधीन संस्थान द्वारा इकट्ठी की गई निधियों का उपयोग अनन्य रूप से सामाजिक विज्ञानों में अनुसंधान के संबद्धों के लिए किया जाएगा।

(2) संस्थान इस छूट के अधीन अपने द्वारा इकट्ठी की गई निधियों का हिमाब पृथक से रखेगा।

(3) यह कि संस्थान, एक वार्षिक रिपोर्ट भारतीय सामाजिक विज्ञान अनुसंधान परिषद् को भेजेगा, जिसमें इस छूट के अधीन इकट्ठा की गई निधियाँ और उनके उपयोग की रीति वर्णित होंगी।

संस्था

इण्डिया फाउण्डेशन, नई दिल्ली

यह अधिसूचना 1-4-1979 से 31-3-1982 तक तीन वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 2755/का० सं० 203/141/78-आई टी ए-II]

New Delhi, the 27th March, 1979

S.O. 2020.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Institute under this exemption will be utilised exclusively for promotion of research in Social Sciences.
2. The Institute shall maintain separate accounts of the funds collected by them under the exemption.
3. That the Institute will send an annual report, to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

INDIA FOUNDATION NEW DELHI

This notification is effective for a period of three years from 1-4-1979 to 31-3-1982.

[No. 2755/F. No. 203/141/78-IT A. II]

नई दिल्ली, 29 मार्च, 1979

का० प्रा० 2021 :—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6 (iv) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य

प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

(i) यह कि श्री शंकर अद्वैत अनुसंधान केन्द्र, मद्रास अनुप्रयुक्त (कृषि/पशुपालन/मात्स्यिकी और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक हिमाब रखेगा।

(ii) यह कि उक्त केन्द्र, अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किए जाएँ और उसे भूचिन किए जाएँ।

संस्था

श्री शंकर अद्वैत अनुसंधान केन्द्र, मद्रास

यह अधिसूचना 1-1-1979 से 31-12-1979 तक की एक वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 2757/का० सं० 203/198/78-आई टी ए II]

New Delhi, the 29th March, 1979

INCOME TAX

S.O. 2021.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category "Association" in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Adi Sankara Advaita Research Centre, Madras will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines);
- (ii) That the said Centre will furnish the annual return of its Scientific Research Activities to the prescribed authority for every year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

ADI SANKARA ADVAITA RESEARCH CENTRE,
MADRAS

This notification is effective for a period of one year from 1st January, 1979 to 31st December, 1979.

[No. 2757/F. No. 203/198/78-IT A. II]

नई दिल्ली, 7 अप्रैल, 1979

का० प्रा० 2022. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-न) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा, "मोसाहटी फॉर कमप्रीहेन्सिव कल हेल्थ प्रोजेक्ट ऑफ इण्डिया" को निर्धारण वर्ष 1978-79 और 1979-80 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2761/का० सं० 197/149/78-मा० क० (ए-I)]

New Delhi, the 7th April, 1979

S.O. 2022.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Society for Comprehensive Rural Health Project of India" for the purpose of the said section for the assessment year(s) 1978-79 and 1979-80.

[No. 2761/F. No. 197/149/78-IT(AI)]

क्रा० प्रा० 2023.—केन्द्रीय सरकार, आय-कर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "इण्डो जर्मन सोशल सर्विस सोसाइटी" को निर्धारण वर्ष 1976-77, 1977-78 और 1978-79 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2762/फा० सं० 197/169/78-आ० फ० (ए-1)]

S.O. 2023.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indo-German Social Service Society" for the purpose of the said section for the assessment years 1976-77, 1977-78 and 1978-79.

[No. 2762/F. No. 197/169/78-IT (AI)]

क्रा० प्रा० 2024.—केन्द्रीय आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, रॉयल कामनवैलथ सोसाइटी फॉर दि ब्लाइन्ड के निर्धारण वर्ष 1976-77 के लिये और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2763/फा० सं० 197/142/78-आ० फ० (ए-1)]

S.O. 2024.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Royal Commonwealth Society For the Blind' for the purpose of the said section for and from the assessment year 1976-77.

[No. 2763/F. No. 197/142/78-II (AI)]

नई दिल्ली, 9 अप्रैल, 1979

क्रा० प्रा० 2025.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली "सीमाइटी फार दि बलफेयर ऑफ मेंटली रिटार्डेड किड्स" को निर्धारण वर्ष 1977-78 के लिये और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2765/फा० सं० 197/19/79-आ० फ० (ए-1)]

New Delhi, the 9th April, 1979

S.O. 2025.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Delhi Society for the Welfare of Mentally Retarded Children" for the purpose of the said section for and from the assessment year(s) 1977-78.

[No. 2765/F. No. 197/19/79-IT (AI)]

शुद्धि-पत्र

क्रा० प्रा० 2026.—राजस्व विभाग, अधिसूचना सं० 2467 (फा० सं० 203/97/78-II-ग-II) तारीख 11-8-1978 में निम्नलिखित संशोधन करती है :—

अधिसूचना में उपबर्णित प्रायोजकों के नामों के पश्चात् निम्नलिखित प्रविष्टियाँ जोड़ी जायेंगी :—

सहप्रायोजकों के नाम 1. श्री अम्बिका मिल्स लिमि०, अहमदाबाद।

2. भारत विजय मिल्स लिमि०, कलोल (एन०जी०)

3. मानेक लाल हरीलाल स्पिंग एण्ड मैनुफैक्चरिंग क० लिमि०, अहमदाबाद।

[सं० 2766/फा० सं० 203/92/78-आई०टी०-ए०-II)]

CORRIGENDUM

S.O. 2026.—The Department of Revenue hereby amend the notification No. 2467 (F. No. 203/92/78-ITA. II) dated 11-8-1978 as under :—

The following entries may be added after the name of the sponsors indicated in the Notification.
Name of the Co-sponsors.

1. Shri Ambica Mills Ltd. Ahmedabad.

2. Bharat Vijay Mills Ltd. Kalol (N.G.).

3. Meneklal Harilal Spg. & Mfg. Co. Ltd., Ahmedabad.

[No. 2766/F. No. 203/92/78-IT A. II]

नई दिल्ली, 17 अप्रैल, 1979

क्रा० प्रा० 2027.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय चिकित्सा अनुसंधान परिषद्, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के प्रयोजनों के लिये चिकित्सा अनुसंधान क्षेत्र में 'वैज्ञानिक अनुसंधान संस्था' प्रशर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(1) यह कि संस्था, चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का पृथक् हिसाब रखेगी।

(2) यह कि संस्था, प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रस्तरों में प्रस्तुत करेगी जो इस प्रयोजन के लिये अधिकृति किये जायें और उसे सूचित किये जायें।

संस्था

न्यूरो आटोनाइजिकल एण्ड इन्फुनिशियमैटिक सोसाइटी ऑफ इण्डिया आल इण्डिया इंस्टीट्यूट ऑफ मैडिकल साइंसेज नई दिल्ली, यह अधिसूचना 18-9-1978 से 17-9-1980 तक की दो वर्ष की अवधि के लिये प्रभावी होगी।

[सं० 2772/फा० सं० 203/142/78-आई०टी०-ए०-II)]

New Delhi, the 17th April, 1979

S.O. 2027.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "Scientific Research Association" in the field of Medical Research, subject to the following conditions :—

1. That the institution will maintain a separate account of the sums received by it for scientific research in the field of medical research.

2. That the institution will furnish annual returns of its scientific research activities to the Council for each financial year by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.

INSTITUTION

New Delhi, the 25th April, 1979

NEURO-OTOLOGICAL & EQUILIBRIOMETRIC SOCIETY OF INDIA, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, NEW DELHI

This notification is effective for a period of 2 years from 18-9-1978 to 17-9-1980.

[No. 2772/F. No. 203/142/78-ITA II]

नई दिल्ली, 24 अप्रैल, 1979

का० प्रा० 2028.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय सामाजिक विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिये निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

1. इस छूट के अधीन टाइम्स रिसर्च फाउंडेशन, मुम्बई द्वारा इकट्ठा की गई निधियों का उपयोग अनन्य रूप से सामाजिक विज्ञानों में अनुसंधान के संवर्धन के लिये किया जायेगा।
2. यह कि संस्थान, इस छूट के अधीन अपने द्वारा इकट्ठा की गई निधियों का पृथक् लेखा रखेगा।
3. यह कि संस्थान, भारतीय सामाजिक विज्ञान अनुसंधान परिषद्, नई दिल्ली को एक वार्षिक रिपोर्ट भेजेगा, जिसमें इस छूट के अधीन इकट्ठा की गई निधियाँ और उन निधियों के उपयोग किये जाने की रीति दिखलायी जायेगी।

संस्था

टाइम्स रिसर्च फाउंडेशन, मुम्बई

यह अधिसूचना 1-4-1979 से 31-3-1981 तक की 2 वर्ष की अवधि के लिये प्रभावी होगी।

[सं० 2773/फा० सं० 203/27/79-आई०टी०ए०-II]

New Delhi, the 24th April, 1979

S.O. 2028.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Times Research Foundation, Bombay under this exemption will be utilised, exclusively for promotion of research in social sciences.
2. That the institute shall maintain separate accounts of the funds collected by them under the exemption.
3. That the institute shall send an Annual Report to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

Times Research Foundation, Bombay.

This notification is effective for a period of 2 years from 1-4-1979 to 31-3-1981.

[No. 2773/F. No. 203/27/79-ITA II]

नई दिल्ली, 25 अप्रैल, 1979

का० प्रा० 2029.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-अ) के खण्ड (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए "सेवा मंदिर, उदयपुर" को निर्धारण वर्ष 1975-76 के लिये और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2774/फा० सं० 197/34/79-आ०क० (ए०-I)]

S.O. 2029.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961, (43 of 1961), the Central Government hereby notifies 'Seva Mandir, Udaipur' for the purpose of the said section for and from the assessment year 1975-76.

[No. 2774/F. No. 197/34/79-IT (AI)]

नई दिल्ली, 5 मई, 1979

का० प्रा० 2030.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय चिकित्सा अनुसंधान परिषद् ने निम्नलिखित संस्था को, आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि संस्था चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का पृथक् हिसाब रखेगी।
- (2) यह कि संस्था प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रणाली में प्रस्तुत करेगी जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किया जाये।

संस्था

चारुतर आरोग्य मण्डल बल्लभ विद्यानगर, कैरा

यह अधिसूचना 24-4-1979 से 23-4-1981 तक की दो वर्ष की अवधि के लिये प्रभावी होगी।

[सं० 2802/फा० सं० 203/32/79-आई०टी०ए०-II]

New Delhi, the 5th May, 1979

S.O. 2030.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with rule 6(ii) of the Income-Tax Rules 1962 under the category of "Scientific research association" in the field of medical research subject to the following conditions :—

- (i) That the Institution will maintain a separate account of the sums received by it for scientific research in the field of medical research.
- (ii) That the Institution will furnish annual returns of its scientific research activities to the Council for each financial year by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.

INSTITUTION

Charutar Arogya Mandal Vallabh Vidyanagar, Kaira.

This notification is effective for a period of 2 years from 24-4-1979 to 23-4-1981.

[No. 2802/F. No. 203/32/79-ITA-III]

नई दिल्ली, 8 मई, 1979

का० प्रा० 2031.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, सचिव, विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली, में निम्नलिखित संस्था को आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये अथवा प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि केन्द्रीय ईंधन अनुसंधान संस्था, धनबाद प्राकृतिक या अनुप्रयुक्त, (कृषि/पशु-पालन/मात्स्यिकी और औद्योगिक

मिष्ट) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिसाब पृथक से रखेगा।

- (2) यह कि उक्त संस्थान प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

केन्द्रीय ईंधन अनुसंधान संस्था, धनबाद,

यह अधिसूचना 6-12-1978 से प्रभावी होगी।

[सं० 2810/फा० सं० 203/179/78-आई०टी०ए०-II]

New Delhi, the 8th May, 1979

S.O. 2031.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Central Fuel Research Institute, Dhanbad will maintain a separate account of the sum received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines).
- (ii) That the said institute will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

Central Fuel Research Institute, Dhanbad.

This notification is effective from 6-12-1978.

[No. 2810/F. No. 203/179/78-ITA-II]

फा० सं० 2032.—इस विभाग की अधिसूचना सं० 1671 (फा० सं० 203/118/76-आई०टी०ए०-II), तारीख 24-2-1977 के क्रम में सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(1) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संस्थान" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (1) यह कि भारतीय रसायन इंजीनियरी संस्थान, कलकत्ता प्राकृतिक या अनुप्रयुक्त (कृषि/पशु-पालन/मात्स्यकी और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिसाब पृथक से रखेगी।
- (2) यह कि उक्त संस्थान, प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

भारतीय रसायन इंजीनियरी संस्था, कलकत्ता।

यह अधिसूचना 1-4-1979 से 31-3-1982 तक की तीन वर्ष की अवधि के लिये प्रभावी होगी।

[सं० 2809/फा० सं० 203/68/79-आई०टी०ए०-II]

198 GI/79—3

S.O. 2032.—In continuation of this Deptt's Notification No. 1671 (F. No. 203/118/76-ITA-II) dated the 24-2-1977 it is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the I.T. Rules, 1962, under the category of 'Institution' in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Indian Institution of Chemical Engineers, Calcutta, will maintain a separate account of the sum received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines).
- (ii) That the said Institution will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

Indian Institution of Chemical Engineers, Calcutta.

This notification is effective for a period of three years from 1-4-1979 to 31-3-1982.

[No. 2809/F. No. 203/68/79-ITA-II]

फा० सं० 2033.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली, ने निम्नलिखित संस्था को, आय-कर नियम, 1962 के नियम 6(4) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (1) यह कि भारतीय पेट्रोलियम संस्थान, देहरादून प्राकृतिक या अनुप्रयुक्त (कृषि/पशु-पालन/मात्स्यकी और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का पृथक हिसाब रखेगी।
- (2) यह कि उक्त संस्था, प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को, प्रति वर्ष 30 अप्रैल, तक ऐसे प्रारूपों में प्रस्तुत करेगी जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

भारतीय पेट्रोलियम संस्थान, देहरादून

यह अधिसूचना 12 मार्च, 1979 से प्रभावी है।

[सं० 2807/फा० सं० 203/37/79-आई०टी०ए०-II]

S.O. 2033.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category of 'Association' in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Indian Institute of Petroleum, Dehradun will maintain a separate account of the sum received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries and medicines).
- (ii) That the said institute will furnish the annual return of its Scientific Research Activities to the prescribed authority for every Financial year in such forms as

may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTRUCTION

The Indian Institute of Petroleum, Dehradun.

This notification is effective from 12th March, 1979.

[No. 2807/F. No. 203/37/79-ITA-II]

का० प्रा० 2034 :—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि निम्नलिखित संस्था को, विहित प्राधिकारी, अर्थात्, भारतीय कृषि अनुसंधान परिषद् द्वारा आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अनुमोदित किया गया है।

संस्था

श्री गणेश अनुसंधान संस्थान, दिल्ली

यह अधिसूचना, तारीख 1-4-1979 से तारीख 31-3-1981 तक की दो वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 2808 (फा० सं० 203/37/78-आई टी ए-II)]

S.O. 2034.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Agricultural Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

Shri Ganesh Research Institute, Delhi.

This notification is effective for a period of two years from 1-4-1979 to 31-3-1981.

[No. 2808/F. No. 203/37/78-ITA-II]

नई दिल्ली, 19 मई, 1979

का० प्रा० 2035 :—इस विभाग की अधिसूचना सं० 1574, तारीख 1-11-1976 के क्रम में, सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग नई दिल्ली, ने निम्नलिखित संस्था को, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

- (i) यह कि भारतीय तांबा सूचना केन्द्र, कलकत्ता, प्राकृतिक या अनुप्रयुक्त (कृषि/पशुपालन/सांख्यिकी और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक् हिसाब रखेगा।
- (ii) यह कि उक्त केन्द्र, प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।

संस्था

भारतीय तांबा सूचना केन्द्र, कलकत्ता

यह अधिसूचना 1-4-1979 से 31-3-1982 तक की तीन वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 2825 /फा० सं० 203/46/79-आई टी ए-II]

जे०पी० शर्मा, निदेशक

New Delhi, the 19th May, 1979

S.O. 2035.—In continuation of this Dept's Notification No. 1547 dated 1-11-1976 it is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause

(ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, in the area of other natural or applied sciences, subject to the following conditions :—

(i) That the Indian Copper information Centre, Calcutta will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines).

(ii) That the said Centre will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

Indian Copper Information Centre, Calcutta.

This notification is effective for a period of 3 years from 1-4-1979 to 31-3-1982.

[No. 2825/F. No. 203/46/79-ITA-II]

J. P. SHARMA, Director

नई दिल्ली, 1 मई, 1979

आयकर

का० प्रा० 2036 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार एतद्वारा भारत सरकार के राजस्व और बैंकिंग विभाग की दिनांक 11-5-1977 की अधिसूचना सं० 1770 फा० सं० 404/103/77-आ०क०स०क० में निम्नलिखित संशोधन करती है; अर्थात् उपर्युक्त अधिसूचना में "श्री आर० नरसिम्हन् और श्री सैयद अब्दुल रजाक" शब्दों के स्थान पर, "श्री एन० सैयद अब्दुल रजाक" शब्द और अक्षर प्रतिस्थापित किये जायें।

[सं० 2793/फा० सं० 404/97(क०ब०अ०-तमिलनाडु)/79-आ०क०स०क०]

New Delhi, the 1st May, 1979

INCOME TAX

S.O. 2036.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue and Banking No. 1770 (F. No. 404/103/77-ITCC dated 11-5-1977 namely; In the said Notification for the words "Shri R. Narasimhan and Shri N. Syed Abdul Razaq" the words and letters "Shri N. Syed Abdul Razaq" shall be substituted.

[No. 2793/F. No. 404/97(TRO-TN)/79-ITCC]

का० प्रा० 2037 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 28-11-78 की अधिसूचना सं० 2596 (फा० सं० 404/103/78-आ०क०स०क०) के अधिवर्धन में, केन्द्रीय सरकार, एतद्वारा, श्री जे० श्रीनिवासन को, जो केन्द्रीय सरकार के राज-पत्रित अधिकारी है उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना, श्री जे० श्रीनिवासन के कर वसूली अधिकारी के रूप में कार्यभार संभालने की तारीख से लागू होगी।

[सं० 2795/फा० सं० 404/97 (क०ब०अ०-तमिलनाडु) 79-आ०क०स०क०]

S.O. 2037.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), and in supersession of the Notification of Government of India in the Department of Revenue No. 2596 (F. No. 404/103/78-ITCC) dated 28-11-78, the Central Government hereby authorises Shri J. Srinivasan being a gazetted officer of the Central Government, to exercise of the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri J. Srinivasan takes over charge as Tax Recovery Officer.

[No. 2795/F. No. 404/97(TRO-TN)/79-ITCC]

कां.सं. 2038.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (III) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री जी. कृष्णमूर्ति और श्री बी. एस. मेथ्यू को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री जी. कृष्णमूर्ति और श्री बी. एस. मेथ्यू के कर वसूली अधिकारी के रूप में कार्यभार संभालने की तारीख से लागू होगी।

[सं. 2797/फा.सं. 404/97(क.ब.अ.समिलनाह)/79-आ.क.सं.क.]

S.O. 2038.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri G. Krishnamurthy and Shri V. S. Mathew being gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri G. Krishnamurthy and V. S. Mathew take over the charge as Tax Recovery Officers.

[No. 2797 (F. No. 404/97(TRO-TN)/79-ITCC)]

नई दिल्ली, 3 मई, 1979

कां.सं. 2039.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (III) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री एस. पी. मेहता और श्री ए. पी. कैकरिया को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारी के अधिकारों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री एस. पी. मेहता तथा श्री ए. पी. कैकरिया द्वारा कर वसूली अधिकारियों के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 2799/फा.सं. 404/103 (क.ब.अ.अमृतसर)/79-आ.क.सं.क.]

एच. वेन्कटरामन, उप-सचिव

New Delhi, the 3rd May, 1979

S.O. 2039.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri S. P. Mehta and A. P. Kackria being gazetted officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri S. P. Mehta and A. P. Kackria take over the charge as Tax Recovery Officers.

[No. 2799 (F. No. 404/103 (TRO-ASR)/79-ITCC)]

H. VENKATRAMAN, Dy. Secy.

नई दिल्ली, 16 मई, 1979

आयकर

कां.सं. 2040.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (III) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व विभाग की दिनांक 5 अगस्त 1978 की अधिसूचना सं. 2462 (फा.सं. 404/9/117-आ.ब.क.सं.) में निम्नलिखित संशोधन करती है, अर्थात् उक्त अधिसूचना में "श्री बी. एल. गुप्त, श्री डी. पी. गोविंद तथा श्री एच. एस. खन्डेनवाल" शब्दों के लिए "श्री बी. एल. गुप्त तथा श्री डी. पी. गोविंद" शब्द और अक्षर प्रस्थापित किए जाएंगे।

[सं. 2815/फा.सं. 404/111/क.ब.अ.जयपुर/79-आ.क.सं.क.]

New Delhi, the 16th May, 1979

INCOME TAX

S.O. 2040.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue No. 2462 (F. No. 404/91/77-ITCC) dated 5-8-78 namely: In the said Notification for the words "SARV SHRI B. L. GUPTA, D. P. GOVIL AND H. L. KHANDELWAL the words and letters "SARVA SHRI B. L. GUPTA AND D. P. GOVIL" shall be substituted.

[No. 2815 (F. No. 404/111/TRO-Jaipur/79-ITCC)]

कां.सं. 2041.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री डी. एल. यादव, श्री एस. पी. गुप्त तथा श्री श्रीराम को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री डी. एल. यादव, श्री एस. पी. गुप्त और श्री श्रीराम के कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं. 2811/फा.सं. 404/111 (क. ब. अ.जयपुर)/79-आ.क.सं.क.]]

S.O. 2041.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri D. L. Yadav, S. P. Gupta and Sri Ram being gazetted officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri D. L. Yadav, S. P. Gupta and Sri Ram take over charge as Tax Recovery Officers.

[No. 2811 (F. No. 404/111(TRO-Jaipur)/79-ITCC)]

कां.सं. 2042.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व विभाग की दिनांक 25 फरवरी 1978 की अधिसूचना सं. 2196 (फा. संख्या 404/91/177-आ.क.सं.क.) में निम्नलिखित संशोधन करती है, अर्थात्, उक्त अधिसूचना में "श्री एस. सी. जैन तथा श्री के. शर्मा" शब्दों के लिए "श्री एस. सी. जैन" शब्द और अक्षर प्रस्थापित किए जाएंगे।

[सं. 2813 (फा.सं. 404/111/क. ब. अ.जयपुर/79-आ.क.सं.क.)]

S.O. 2042.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue No. 2196 (F. No. 404/91/77-ITCC) dated 25-2-78 namely: In the said notification for the words "SARVA SHRI S. C. JAIN AND K. K. SHARMA" the words and letters "SHRI S. C. JAIN" shall be substituted.

[No. 2813 (F. No. 404/111/TRO-Jaipur/79-ITCC)]

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 25 मई, 1979

आयकर

कां.सं. 2043.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 194क की उप-धारा (3) के खण्ड (iii) के उपखण्ड (ब) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, मद्रास फिलाई-

जर्स लिमिटेड, मद्रास को उक्त उप-खण्ड के प्रयोजन के लिये अधिसूचित करती है।

[फा० सं० 275/38/78-आय-कर बजट]

एस० आर० बघवा, उप सचिव

(Central Board of Direct Taxes)

New Delhi, the 25th May, 1979

INCOME-TAX

S.O. 2043.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194A of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Madras Fertilizers Limited, Madras, for the purposes of the said sub-clause.

[F. No. 275/38/78-ITB]

S. R. WADHWA, Dy. Secy.

मई विल्सी, 4 जून, 1979

आय-कर

फा० सं० 2044—केन्द्रीय प्रत्यक्ष-कर बोर्ड आय-कर अधिनियम, 1961 (1961 का 43) की धारा 246 की उपधारा (2) के खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 2381 (फा० सं० 279/42/77-आईटीजे) तारीख 7 जुलाई 1978 को अधिकांश करते हुए, मामलों की प्रकृति, उनमें अन्तर्भूत जटिलताओं और अन्य सुसंगत बातों को ध्यान में रखते हुए, यह निवेश करता है कि [उक्त अधिनियम की धारा 246 की उपधारा (2) के खण्ड (क) से (ग) तक (जिसमें ये दोनों सम्मिलित हैं) में विनिश्चित भावों से भिन्न] निम्नलिखित किसी भी भावों से व्यपित (कम्पनी से भिन्न) कोई भी निर्धारित उक्त भावों के विषय आय-कर प्रत्यक्ष (अपील) को अपील कर सकेगा, अर्थात्:—

(i) ऐसे निर्धारित के विषय जो उक्त अधिनियम की धारा 2(31) में उल्लिखित कोई व्यक्ति (कम्पनी से भिन्न) है, कोई भावों जहाँ निर्धारित उक्त अधिनियम के अधीन निर्धारित किए जाने के अपने दायित्व से हटकर करता है या उक्त अधिनियम की धारा 143 की उपधारा (3) या धारा 144 के अधीन निर्धारण का कोई भावों जहाँ निर्धारित निर्धारित आय की रकम के प्रति या अवधारित कर की रकम के प्रति, या संगणित हानि की रकम के प्रति या ऐसी प्राप्ति के प्रति जिसके अधीन उसका निर्धारण किया गया हो, धारण करता है और इस प्रकार निर्धारित आय की रकम या इस प्रकार निर्धारित आय की रकम पर संगणित हानि की रकम एक मात्र रूप से अधिक है।

(ii) ऊपर (i) में विनिश्चित व्यक्तियों या व्यक्तियों के वर्गों के मामले में उक्त अधिनियम की धारा 246 की उपधारा (1) के खण्ड (घ) से (ग) तक में (जिसमें ये दोनों सम्मिलित हैं) विनिश्चित भावों।

[सं० 2845/फा० सं० 279/42/78-आईटीजे]

एस० के० भटनगर, अवर सचिव

New Delhi, the 4th June, 1979

INCOME-TAX

S.O. 2044.—In exercise of the powers conferred by clause (i) of sub-section (2) of section 246 of the Income-tax Act, 1961 (43 of 1961), and in supersession of the Notification of the Central Board of Direct Taxes No. 2381 (F. No. 279/42/77-ITJ), dated the 7th July, 1978, the Central Board of Direct Taxes, having regard to the nature of the cases, the complexities involved and other relevant considerations, hereby directs that any assessee (other than a company) aggrieved

by any of the following orders (other than the orders specified in clauses (b) to (h) (both inclusive) of sub-section (2) of section 246 of the said Act) shall appeal to the Commissioner of Income-tax (Appeals) against such order, namely:—

(i) an order against the assessee, being a person (other than a company) mentioned in section 2(31) of the said Act, where the assessee denies his liability to be assessed under the said Act or any order of assessment under sub-section (3) of section 143 or section 144 of the said Act, and the assessee objects to the amount of income assessed, or to the amount of tax determined, or to the amount of loss computed, or to the status under which he is assessed, and the amount of income so assessed or the amount of loss so computed exceeds one lakh rupees;

(ii) an order specified in clauses (d) to (o) (both inclusive) of sub-section (1) of section 246 of the said Act in the case of persons or classes of persons referred to in (i) above.

[No. 2845 (F. No. 279/42/78-ITJ)]

S. K. BHATNAGAR, Under Secy.

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

मई विल्सी, 30 मई, 1979

फा० सं० 2045.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 50 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निम्नलिखित फर्मों को 1978-79 के लिए भारतीय रिजर्व बैंक के लेखा परीक्षक के रूप में फिर नियुक्त करती है।

1. मेसर्स के० एस० अय्यर एंड कम्पनी, चार्टर्ड अकाउंटेंट, 49, अपोलो स्ट्रीट, बम्बई-23।
2. मेसर्स के० एन० गुटगुटिया एंड कम्पनी, चार्टर्ड अकाउंटेंट, 10/2 हंगर-फोर्ड स्ट्रीट, कलकत्ता-700017।
3. मेसर्स सुन्दरम एंड श्रीनिवासन, चार्टर्ड अकाउंटेंट, 161, माउंट रोड, मद्रास-2।

[सं० एफ० 1(6)/79-अकाउंटेंट]

एन० बालासुब्रह्मण्यन, उप सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th May, 1979

S.O. 2045.—In exercise of the powers conferred by Section 50 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby reappoint the following firms of Chartered Accountants as Auditors of the Reserve Bank of India for the year 1978-79 namely:—

1. M/s. K. S. Aiyar & Co., Chartered Accountants, 49, Appollo Street, Bombay-23.
2. M/s. K. N. Gutgutia & Co., Chartered Accountants, 10/2, Hungerford Street, Calcutta-17.
3. M/s. Sundaram & Srinivasan, Chartered Accountants, 161, Mount Road, Madras-2.

[No. 1(6)79/Accts]

N. BALASUBRAMANIAN, Dy. Secy.

(प्राधिकार कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 जून, 1979

का० प्रा० 2046.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध, इस अधिसूचना के प्रकाशित होने की तारीख से 28 फरवरी, 1981 तक की अवधि के लिए मिदनापुर पीपल्स को-ऑपरेटिव बैंक लिमिटेड, मिदनापुर पर उस सीमा तक लागू नहीं होंगे जहाँ तक इसका संबंध नीचे बतायी गई कुछ गैर बैंकिंग परिसम्पत्तियों की धारिता से है :—

गैर-बैंकिंग परिसम्पत्तियाँ

क्रम संख्या	स्थान जहाँ पर स्थित है	विवरण
1.	मिदनापुर नगर पालिका की माउजा केरानीटोला में	घाई० एन० टी० नं० 14, प्लॉट नं० 126, 08 1/4 हेक्ता भूमि-मूल्य 3,000/-रु०
2.	—तटीय—	घाई० एन० टी० नं० 14, प्लॉट नं० 128, 08 1/4 हेक्ता भूमि-40,000 /— रुपये के भवन की मिलाकर
3.	भारग्राम माउजा खास जंगल में।	घाई० एन० टी० नं० 2, प्लॉट नं० 28-जिसमें से प्लॉट सं० 28/341 में 2 बीघा जमीन, मूल्य 4,000 /— रुपये
4.	जिला 24 परगना की दक्षिण में समीपस्थ नगर पालिका माउजा भान्जा, साहपुर में	घाई० एन० टी० नं० 96/2, प्लॉट नं० 221, 5 काठा, 2 षठक की भूमि मूल्य 8,000/— रुपये
5.	जिला मिदनापुर महाल तथा माउजा इंडा	घाई० एन० टी० नं० 1166, प्लॉट नं० 2332, (नक्शे के अनुसार—प्लॉट नं० 3) जिसकी पैमाइस 13 एकड़ भूमि की है। मूल्य 2,000/— रुपये /

[सं० 8-12/79 ए० सी०]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th June, 1979

S.O.2046.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Midnapore Peoples Co-operative Bank Ltd., Midnapore in so far as they relate to its holdings of certain non-banking assets as described below from the date of publication of this notification to 28th February, 1981.

Non-banking assets

Sl. No.	Held at	Description
1.	Within Midnapore Municipality in Mouza Keranitola.	Int. No. 14 plot No. 126 08 1/4 dec. land valuation Rs. 3000
2.	-do-	Int. No. 14 plot No. 128 08 1/4 dec. land including building valuation Rs. 40,000
3.	At Jhargram Mouza Khasjungle.	Int. No. 2 Plot No. 28 Out of which in plot No. 28/341 2 bighas land valuation Rs. 4,000.
4.	District 24 parganas within South Suburban Municipality Mouza Bhanja, Sahapur.	Int No. 96/2 plot No. 221 5 Katha 2 Chattak of land valuation Rs. 8000.
5.	District Midnapore Mahal and Mouza Inda	Int No. 1166 plot No. 2332 (as per sketch-map plot No. 3) measuring 13 dec. land valuation Rs. 2000.

[No. 8-12/79-AC]

नई दिल्ली, 5 जून, 1979

का० प्रा० 2047.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध हिमाचल प्रदेश राज्य सहकारी बैंक लिमिटेड, शिमला पर इस अधिसूचना के प्रकाशन की तारीख से 28 फरवरी, 1982 तक की अवधि के लिये उस सीमा तक लागू नहीं होंगे जहाँ तक उनका सम्बन्ध इस बैंक की मोहल्ला चिन्टाला, सहारनपुर, उत्तर प्रदेश में स्थित दो मंजिले रिहायशी मकान की धारिता से है।

[संख्या 8-16/79-ए०सी०]

यशवन्तराज, अवर सचिव

New Delhi, the 5th June, 1979

S.O.2047.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Himachal Pradesh State Co-operative Bank Ltd., Simla in so far as they relate to its holding of a two storeyed residential house situated in Mohalla Chintala, Saharanpur, U.P. for the period from the date of publication of this notification to 28 February, 1982.

[No. 8-16/79-AC]

YASHWANT RAJ, Under Secy.

वाणिज्य, नागरिक पूँति और सहकारिता मंत्रालय

(नागरिक पूँति और सहकारिता विभाग)

नई दिल्ली, 28 मई, 1979

का० प्रा० 2048.—केन्द्रीय सरकार का ईस्ट इण्डिया जूट और हेमन एक्सचेंज लिमिटेड, 47, नेता जी सुभाष रोड, कलकत्ता द्वारा प्रदत्त संविधा (विनियमन) अधिनियम, 1952 (1952 का

74) की धारा 5 के अधीन मान्यता के नवीकरण के लिए प्राप्त आवेदन पर बायदा बाजार आयोग से परामर्श करके, यह समाधान हो गया है कि ऐसा करना व्यापार और लोक हित में है, अतः वह उक्त अधिनियम की धारा 6 द्वारा, कलकत्ता नगर में, जूट के माल (किसी मिल द्वारा बनाया गया किसी भी किस्म का हेसन और बोरी का कपड़ा या बोरे या बोनों, सुतली या धागे या बोनों या जूट से बनाए गए किसी भी अन्य प्रकार के उत्पाद) की अग्रिम संविदा की खान प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एक्सचेंज को 29 मार्च, 1979 से 28 मार्च, 1982 (जिसमें ये दोनों दिन भी सम्मिलित हैं) तक की 3 वर्ष की और अवधि के लिए मान्यता देती है।

स्पष्टीकरण—इस अधिसूचना में, कलकत्ता नगर से अभिप्रेत है :—

(1) कलकत्ता म्यूनिसिपल अधिनियम, 1951 (पश्चिमी बंगाल अधिनियम, 1957 का 33) की धारा 5 में यथापरिभाषित कलकत्ता और कलकत्ता शे का हेस्टिंग नार्थ या माउथ भाग और नदी के किनारे तक स्ट्रेन्ड रोड और क्षेत्र जो पहले टांलागंज नगर पालिका के, जो अब निष्क्रिय है, अधीन था,

(2) कलकत्ता पतन, और

(3) 24 परगना, नादिया, हावड़ा और हुगली के जिले।

2. इसके द्वारा अनुवर्त मान्यता इस शर्त के अधीन है कि उक्त एक्सचेंज ऐसे निदेशों को लागू होगा जो समय समय पर बायदा बाजार आयोग द्वारा दिया जाए।

[फा० सं० 12(4)—आई० टी०/79]

MINISTRY OF COMMERCE, CIVIL SUPPLIES AND CO-OPERATION

(Department of Civil Supplies and Cooperation)

New Delhi, the 28th May, 1979

S.O. 2048.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), by the East India Jute & Hessian Exchange Limited, 43, Netaji Subhas Road, Calcutta, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of three years from 29th March, 1979 to 28th March, 1982 (both days inclusive) in respect of forward contracts in jute goods (hessian and sacking cloth or bag or both, twines or yarns or both manufactured by any of the mills, or any other manufactures of whatever nature made from jute) in the city of Calcutta.

Explanation.—In this notification, the expression "city of Calcutta" means :—

(1) Calcutta as defined in Clause (ii) of Section 5 of the Calcutta Municipal Act, 1951, (West Bengal Act, 33 of 1951), together with part of Hastings North or South edge of Clyde Row and Strand Road to the river bank and the areas which were previously under the now defunct Tollygunge Municipality.

(2) The port of Calcutta; and

(3) The Districts of 24 Parganas, Nadia, Howrah and Hoogly.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may, from time to time, be given by the Forward Markets Commission.

[F. No. 12(4)-IT/79]

नई दिल्ली, 2 जून, 1979

फा० सं० 2049.—केन्द्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि भारत में किसी स्थान में अलसी की खली के क्रय या क्रय के लिए ऐसी कोई अग्रिम संविदा

नहीं करेगा, जो अलसी की खली के क्रय या क्रय के लिए अनन्तरणीय विनिर्दिष्ट परिधान संविदा नहीं है और उक्त धारा 16 के खण्ड (क) के अधीन उसके लिए वह उस दर को, जो अधिसूचना की तारीख को उस माल के बायदा बाजार के बन्द होने के समय प्रचलित थी या यदि उस दिन कोई व्यापार नहीं हुआ था तो उस दर को जो व्यापार के अन्तिम पूर्ववर्ती दिन को प्रचलित थी, ऐसी दर के रूप में नियत करती है, जिस दर पर ऐसी कोई अग्रिम संविदा, जो ऐसी अधिसूचना की तारीख के पश्चात्, सम्पन्न की जानी है, बन्द हुई समझी जाएगी।

[फा० सं० 10(1)-आई० टी०/ 78]

New Delhi, the 2nd June, 1979

S.O. 2049.—In exercise of the powers conferred by section 17 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby, declares that no person shall, save with the permission of the Central Government, enter into any forward contract for the sale of purchase of linseed oilcake (not being a non-transferable specific delivery contract for the sale or purchase of linseed oilcake) in any place in India, and fixes, under Clause (a) of section 16, the rate prevailing at the time at which such forward market in the said goods closed on the date of this notification, or, if there was no trading on that date, on the last preceding date of trading, as the rate at which any such forward contract entered into on or before the date of this notification and remaining to be performed after the said date, shall be deemed to be closed.

[F. No. 10(1)-IT/78]

फा० सं० 2050.—अतः भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना फा० सं० 2049 तारीख 2-6-79 द्वारा अलसी की खली के क्रय अवकाश क्रय के लिए अग्रिम संविदाएं प्रतिबिद्ध की गई हैं।

केन्द्रीय सरकार की यह राय है कि व्यापार के और लोकहित में यह गमीचीन है कि समस्त भारत में अलसी की खली की अनन्तरणीय विनिर्दिष्ट परिधान संविदाओं को विनियमित और नियंत्रित किया जाए;

अतः अब केन्द्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम 1952 (1952 का 74) की धारा 18 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अधिनियम की धारा 17 की उपधारा (1) और (2) के उपबंध, समस्त भारत में अलसी की खली से संबंधित अनन्तरणीय विनिर्दिष्ट परिधान संविदाओं को लागू होंगे।

[फा० सं० 10(1)-आई० टी०/78]

S.O. 2050.—Whereas forward contracts for the sale or purchase of linseed oilcake have been prohibited by the Notification of Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2049, dated 2-6-1979.

And whereas the Central Government is of opinion that in the interest of the trade and in the public interest, it is expedient to regulate and control non-transferable specific delivery contracts in linseed oilcake;

Now, therefore, in exercise of the powers conferred by Sub-section (3) of Section 18 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby declares that the provisions of sub-section (1) and (2) of Section 17 of the said Act shall apply to non-transferable specific delivery contracts in respect of linseed oilcake in the whole of India.

[F. No. 10(1)-IT/78]

फा० सं० 2051.—केन्द्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 17 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जिस रूप में उसे भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० फा० सं० 2050 तारीख 2-6-1979 द्वारा समस्त भारत में अलसी की बायत अनन्तरणीय विनिर्दिष्ट परिधान संविदाओं को लागू किया गया है, घोषणा करती है कि कोई भी व्यक्ति केन्द्रीय सरकार की अनुज्ञा

के बिना, समस्त भारत में अलसी की खली के विक्रय या क्रय के लिए ऐसी कोई भी अधिम संविदा नहीं करेगा, जो अनन्तरणीय विनिर्दिष्ट परिवान संविदा है।

[फा० सं० 10(1)-आई० टी० 79]

S.O. 2051.—In exercise of the powers conferred by sub-section (1) of section 17 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), as applied to non-transferable specific delivery contracts in respect of linseed oilcake in the whole of India by the Notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2050, dated 2-6-1979, the Central Government hereby declares that no person shall, save with the permission of the Central Government, enter into any forward contract, being non-transferable specific delivery contract, for the sale or purchase of linseed oilcake in the whole of India.

[F. No. 10(1)-IT/79]

फा० प्रा० 2052.—केन्द्रीय सरकार, भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० फा० प्रा० सं० 2051 तारीख 2-6-1979 के साथ पठित अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ऐसे प्रत्येक अनन्तरणीय विनिर्दिष्ट परिवान संविदा को जो,—

- (1) अलसी के बहुष्कारित से प्राप्त खली के विक्रय के लिए, अलसी बलनकर्ता या उसके प्राधिकृत अभिकर्ता द्वारा किया गया है, या
- (2) भारत के बाहर निर्यात के प्रयोजनों के लिए अलसी निष्कर्षण से प्राप्त खली के क्रय के लिए, भारत से बाहर अलसी के निष्कर्षण से प्राप्त खली का निर्यात करने वाले व्यक्ति या उसके प्राधिकृत अभिकर्ता द्वारा किया गया है ; या
- (3) (i) अलसी के बहुष्कारित से प्राप्त खली के क्रय के लिए, या
(ii) अलसी के निष्कर्षण से प्राप्त खली के विक्रय के लिए, किसी विलायक निष्कर्षण एकक या उसके प्राधिकृत अभिकर्ता द्वारा किया गया है

उक्त अधिनियम की उक्त धारा की उपधारा (1) और (2) के उपबन्धों के प्रवर्तन से छूट देती है।

[फा० सं० 10(1)-आई० टी०/78]

S.O. 2052.—In exercise of the powers conferred by section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), read with the notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2051 dated 2-6-1979, the Central Government hereby exempts every non-transferable specific delivery contract entered into by—

- (1) a linseed crusher or his authorised agent, for the sale of linseed expeller cake; or
- (2) a person exporting linseed extraction cake out of India or his authorised agent, for the purchase of linseed extraction cake for purposes of export outside India; or
- (3) a solvent extraction unit or its authorised agent, for—
(i) the purchase of linseed expeller cake, or
(ii) the sale of linseed extraction cake, from the operation of the provisions of sub-sections (1) and (2) of the said section of the said Act.

[F. No. 10(1)-IT/78]

फा० प्रा० 2053.—केन्द्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 16 के साथ पठित

धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि कोई भी व्यक्ति केन्द्रीय सरकार की अनुज्ञा के बिना, भारत में किसी स्थान में अजवाइन के विक्रय या क्रय के लिए कोई अधिम संविदा नहीं करेगा और उक्त धारा 16 के खण्ड (क) के अधीन उसके लिए वह उस दर को, जो अधिसूचना की तारीख को उस माल के बायदा बाजार के बन्द होने के समय प्रचलित थी या यदि उस दिन कोई व्यापार नहीं हुआ था तो उस दर को, जो व्यापार के अन्तिम पूर्ववर्ती दिन को प्रचलित थी, ऐसी दर के रूप में नियत करती है, जिस दर पर ऐसी कोई अन्तिम संविदा, जो ऐसी अधिसूचना की तारीख को या उसके पूर्व की गई है और उक्त तारीख के पश्चात् सम्पन्न की जानी है, बन्द हुई समझी जाएगी।

[फा० सं० 10(8)-आई० टी०/78]

S.O. 2053.—In exercise of the powers conferred by Section 17, read with Section 16 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby declares that no person shall, save with the permission of the Central Government enter into any forward contract for the sale or purchase of celeryseed in any place in India and fixes, under Clause (a) of the said Section 16, the rate prevailing at the time at which the forward markets in the said goods, closed on the date of the notification, or, if there was no trading on that day, on the last preceding date of trading, as the rate at which any such forward contract entered into on or before the date of this notification and remaining to be performed after the said date shall be deemed to be closed.

[File No. 10(8)-IT/78]

फा० प्रा० 2054.—अजवाइन के विक्रय या क्रय के लिए अधिम संविदा भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० फा० प्रा० सं० 2053 तारीख 2 जून, 1979 द्वारा प्रतिविष्ट कर दी गई है।

और केन्द्रीय सरकार की यह राय है कि व्यापार के और लोकहित में यह समीचीन है कि अजवाइन में अनन्तरणीय विनिर्दिष्ट परिवान संविदाओं को विनियमित और नियंत्रित किया जाए।

अतः प्रभु केन्द्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 18 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अधिनियम की धारा 17 की उपधारा (1) और (2) के उपबन्ध समस्त भारत में अजवाइन में संबंधित अनन्तरणीय विनिर्दिष्ट परिवान संविदाओं को लागू होंगे।

[फा० सं० 10(8)/आई० टी०/78]

S.O. 2054.—Whereas forward contracts for the sale or purchase of celeryseed have been prohibited by the notification of Government of India in the Ministry of Commerce, Civil Supplies & Cooperation S.O. No 2053 dated the 2nd June, 1979.

And whereas the Central Government is of opinion that in the interest of the trade and in the public interest, it is expedient to regulate and control non-transferable specific delivery contracts in celeryseed.

Now, therefore, in exercise of the powers conferred by Sub-Section (3) of Section 18 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), the Central Government hereby declares that the provisions of sub-section (1) and (2) of Section 17 of the said Act shall apply to non-transferable specific delivery contracts in respect of celeryseed in the whole of India.

[File No. 10(8)-IT/78]

का० आ० 2053—केन्द्रीय सरकार, पश्चिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 17 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, जिस रूप में उसे भारत सरकार के वाणिज्य नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० का०आ० 2054 तारीख 2 जून, 1979 द्वारा अजवाइन से सम्बन्धित अन्तरणीय विनिर्दिष्ट परिधान संविदाओं की लागू किया गया है, निदेश देती है कि कोई भी व्यक्ति, केन्द्रीय सरकार की पूर्ण अनुज्ञा के बिना समस्त भारत में अजवाइन के विक्रय या क्रय के लिए कोई अन्तरणीय विनिर्दिष्ट परिधान संविदा नहीं करेगा।

[का० सं० 10(8)—आई०टी०/78]

S.O. 2055.—In exercise of the powers conferred by sub-section (1) of section 17 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) as applied to non-transferable specific delivery contracts in respect of celeryseed by the Notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2054 dated the 2nd June, 1979, the Central Government hereby declares that no person shall, save with the permission of the Central Government, enter into any non-transferable specific delivery contract for the sale or purchase of celeryseed in the whole of India.

[File No. 10(8)-IT/78]

का० आ० 2056.—केन्द्रीय सरकार, भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० का०आ० 2055 तारीख 2 जून, 1979 के साथ पठित पश्चिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 27 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत से बाहर अजवाइन का निर्यात करने वाले किसी व्यक्ति द्वारा या उसके प्राधिकृत अधिकारी द्वारा भारत से बाहर निर्यात के प्रयोजनों के लिए अजवाइन का क्रय करने के लिए की गई प्रत्येक अन्तरणीय विनिर्दिष्ट परिधान संविदा को उक्त अधिनियम की धारा 17 के प्रवृत्ति से छूट देती है।

[का० सं० 10(8)—आई०टी०/78]

के० एस० मैथ्यू, उप सचिव

S.O. 2056. In exercise of the powers conferred by Section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) read with the Notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2054, dated the 2nd June, 1979 the Central Government hereby exempts, every non-transferable specific delivery contract entered into by a person exporting celeryseed out of India or by his authorised agent for the purchase of celeryseed for purposes of export outside India from the operation of Section 17 of the said Act.

[File No. 10(8)-IT/78]

K. S. MATHEW, Dy. Secy.

(वाणिज्य विभाग)

आदेश

नई दिल्ली, 9 जून, 1979

का० आ० 2057.—केन्द्रीय सरकार की यह राय है कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है और निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए सेपटी रेजर ब्लेड निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे ;

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्दिष्ट प्रस्ताव बनाए हैं और उन्हें निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 11 के उप-नियम (2) की अपेक्षाानुसार निर्यात निरीक्षण परिषद् को भेज दिया है ;

अतः इस उक्त उप-नियम के अनुसरण में तथा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 2304 तारीख 16 जुलाई, 1977 का अधिक्रमण करते हुए केन्द्रीय सरकार उससे संभावित प्रभावित होने वाले लोगों की जानकारी के लिए उक्त प्रस्तावों को प्रकाशित करती है।

2. सूचना की जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आपत्ति या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के सरकारी राजपत्र में प्रकाशन की तारीख से 45 दिन के भीतर निर्यात निरीक्षण परिषद् 14/1-बी०, एजरा स्ट्रीट, कलकत्ता-1 को भेज सकता है।

प्रस्ताव

(1) यह अधिसूचित करना कि सेपटी रेजर ब्लेड निर्यात से पूर्व निरीक्षण के अधीन होंगे;

(2) इस आदेश के उपाबंध i में दिए गए सेपटी रेजर ब्लेड के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 के प्रावधान के अनुसार (क्वालिटी नियंत्रण और निरीक्षण) के ऐसे टाइटल के रूप में विनिर्दिष्ट करना जो ऐसे विद्युत उपकरणों तथा उप माध्यमों की, निर्यात से पूर्व, लागू होगा ;

(3) (क) सुसंगत भारतीय मानक विनिर्देशों या कोई अन्य राष्ट्रीय मानक विनिर्देशों की ;

(ख) उन विनिर्देशों को जो खंड (क) के अंतर्गत नहीं आते हैं किन्तु निर्यातकर्ता द्वारा घोषित ऐसे मानकों की परीक्षा एवं अनुमोदन के प्रयोजन के लिए निर्यात निरीक्षण परिषद् द्वारा नियुक्त विशेषज्ञों के पैना द्वारा अनुमोदित हैं सेपटी रेजर ब्लेडों के लिए सांघिक विनिर्देशों को मानक विनिर्देशों के रूप में,

मान्यता देना।

(4) अंतरराष्ट्रीय व्यापार के दौरान ऐसे सेपटी रेजर ब्लेडों के निर्यात को जब तक प्रतिषिद्ध करना जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अन्तर्गत केन्द्रीय सरकार द्वारा स्थापित या मान्यता-प्राप्त अधिकरणों में से किसी के द्वारा जारी किया गया इस आशय का प्रमाण-पत्र न हो कि सेपटी रेजर ब्लेडों का परीक्षण क्वालिटी नियंत्रण और निरीक्षण से संबंधित शर्तों की पूरा करता है, तथा वह निर्यात योग्य है या उन पर उक्त अधिनियम की धारा 3 के अधीन केन्द्रीय सरकार द्वारा मान्य मुद्रा या चिन्ह लगा हुआ है ;

2. इस आदेश की कोई भी बात भावी क़ैताओं को भू मार्ग, वायु-मार्ग या जल मार्ग द्वारा सेपटी रेजर ब्लेडों के उन नमूनों के निर्यात को लागू नहीं होगी जिनका पोत-पर्यन्त निःशुल्क मूल्य एक सौ पन्चीस (125) रुपये से अधिक नहीं है।

3. इस आदेश में "सेपटी रेजर ब्लेड" से बाड़ी बनाने के लिए प्रयोग किए जाने वाले केवल द्वारे ब्लेड अधिप्रेत हैं।

उपाबंध I

[निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रावधान]

1. संक्षिप्त नाम तथा प्रारम्भ :—(1) इन नियमों का नाम सेपटी रेजर ब्लेडों का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में, जहां तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

- (क) "अधिनियम" से नियति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) अभिप्रेत है ;
- (ख) "अधिकरण" से अधिनियम की धारा 7 के अधीन केन्द्रीय सरकार द्वारा बम्बई, कोचीन, दिल्ली तथा मद्रास में स्थापित अधिकरणों में से कोई अधिकरण या मान्यताप्राप्त कोई अन्य संगठन अभिप्रेत है ;
- (ग) "सेफ्टी रेजर ब्लेडों" से बाक्री बनाने के लिए प्रयोग किए जाने वाले केवल दुधारे ब्लेड अभिप्रेत है ।

3. निरीक्षण का आधार तथा प्रक्रिया :—(1) निरीक्षण यह सुनिश्चित करने की दृष्टि से किया जाएगा कि निर्यात के लिए आशयित सेफ्टी रेजर ब्लेडों पर परिशिष्ट 2 या परिशिष्ट 3 में विनिर्दिष्ट नियंत्रण स्तर का प्रयोग करके उत्पादित किए गए हैं उनको क्वालिटी अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुरूप है ।

(2) सेफ्टी रेजर ब्लेडों के निरीक्षण के लिए निम्नलिखित योजनाओं में से कोई योजना अपनाई जाएगी, अर्थात् :—

- (क) स्वयं प्रमाणीकरण :— कोई भी विनिर्माण एकक जो परिशिष्ट II में सूचीबद्ध मानवर्गों को पूरा करता है निर्यात निरीक्षण परिषद् अमन बम्बई (पांचवी मंजिल) 113 महर्षि कर्वे रोड, बम्बई 400004 के क्षेत्रीय कार्यालय को आवेदन देगा ।
- (1) परिषद् द्वारा नियुक्त पैतलों में से कोई पैतल ऐसे एकक में जाएगा तथा यह निर्धारित करेगा कि क्या वही प्रभावशाली क्वालिटी निश्चित पद्धति संतोषजनक रूप में चल रही है या नहीं ।
- (2) उन एककों को जो पैतल द्वारा अनुमोदित हैं उन्हें उन के निर्यात परेषणों की निर्यात योग्यता का प्रमाणपत्र जारी करने योग्य बनाने के लिए अधिनियम की धारा 7 के अधीन मान्यता दी जाएगी ।
- (3) ऐसी मान्यता एक वर्ष की अवधि की के लिए विधिमान्य होगी तथा उसके पश्चात् प्रभावी क्वालिटी सुनिश्चित पद्धति के जारी रहने के आधार पर पुनः नवीकृत की जाएगी ;

परन्तु यदि केन्द्रीय सरकार की राय है कि किसी भी विनिर्माण एकक को दी गई कोई भी मान्यता जनहित में वापिस ले ली जानी चाहिए, तो केन्द्रीय सरकार उस एकक को एक उपयुक्त अवसर देने के पश्चात् अधिनियम की धारा 7 के अधीन ऐसी मान्यता वापिस ले सकती है ।

(ख) प्रक्रियागत क्वालिटी नियंत्रण :— (1) कोई भी विनिर्माण एकक जिसके पास उपाबंध III से अनुसार प्रक्रियागत क्वालिटी नियंत्रण की पर्याप्त व्यवस्था है, नीचे दिए गए परिषद् के निकटतम कार्यालय को आवेदन करेगा :—

निर्यात निरीक्षण परिषद्, 14/1-बी, एडगर स्ट्रीट, कलकत्ता 700001

क्षेत्रीय कार्यालय :—

1. निर्यात निरीक्षण परिषद्, अमन बम्बई पांचवी मंजिल, 113, महर्षि कर्वे रोड, बम्बई-400004.
2. निर्यात निरीक्षण परिषद्, मनोहर बिडिंग, एर्नाकुलम, कोचीन-682011.

3. निर्यात निरीक्षण परिषद्, म्युनिमिपल मार्केट बिडिंग, 3, सरस्वती मार्ग, करील बाग, नई दिल्ली-110005

(2) निर्यात निरीक्षण परिषद् जब विनिर्माण एकक को जाने का प्रबन्ध करेगा तथा यह निर्धारित करेगा कि प्रक्रियागत क्वालिटी नियंत्रण पद्धति संतोषजनक रूप में कार्य कर रही है या नहीं ।

(ग) परेषण के अनुसार निरीक्षण :—कोई भी विनिर्माण एकक जो स्तम्भ (क) तथा (ख) में विनिर्दिष्ट अपेक्षाओं को पूरा नहीं करता है निरीक्षण के लिए निर्यात परेषणों किसी भी अधिकरण को यह सुनिश्चित करने के उद्देश्य से देगा कि उसके द्वारा विनिर्मित उत्पाद अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुरूप है या नहीं ।

(3) निम्नलिखित प्रक्रिया सेफ्टी रेजर ब्लेडों के निरीक्षण तथा प्रमाणन के लिए अपनाई जाएगी, अर्थात् :—

(क) उप नियम (2) के स्तम्भ (क) के अधीन स्वयं प्रमाणीकरण योजना के अन्तर्गत मान्य कोई विनिर्माण एकक—, उसके द्वारा विनिर्मित निर्यात परेषणों की निर्यात योग्यता का प्रमाण पत्र जारी करेगा ।

(ख) (1) सेफ्टी रेजर ब्लेडों के निर्यात करने का इच्छुक कोई निर्यातकर्ता (स्वयं प्रमाणीकरण योजना के अधीन मान्य विनिर्माण एककों से भिन्न) अपने ऐसा करने के आशय की सूचना लिखित रूप में देगा तथा ऐसी सूचना के साथ ऐसे निर्यात से संबंधित निर्यात सविदा में दी गई सभी तकनीकी विशेषताओं का विवरण देने हुए विनिर्देशों का घोषणा पत्र किसी भी अधिकरण को देगा जिससे कि वह उपनियम (1) के स्तम्भ (ख) तथा (ग) के अनुसार निरीक्षण कर सके ।

(2) वह उभी समय ऐसी सूचना की एक प्रति निरीक्षण के लिए अधिकरण के निकटतम परिषद् कार्यालय को देगा ।

(ग) उप नियम (2) के खंड (ख) के अधीन अनुमोदित एककों द्वारा विनिर्मित उत्पादों के निर्यात के लिए निर्यातकर्ता ऐसी सूचनाओं के साथ एक घोषणा यह भी करेगा कि निर्यात के लिए आशयित सेफ्टीरेजर ब्लेडों का विनिर्माण उपाबंध III में अधिकृत क्वालिटी नियंत्रणों का प्रयोग करके किया गया है तथा परेषण, इस प्रयोजन के लिए मान्य विनिर्देशों की अपेक्षाओं को पूरा करता है ।

(घ) खंड (ख) या खंड (ग) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माता के परिसर से परेषण के भेजे जाने से कम से कम दो सप्ताह पहले अधिकरण तथा परिषद् के कार्यालय में अवश्य पहुंच जानी चाहिए ।

(ङ) निर्यातकर्ता अधिकरण को परेषण पर लगाए जाने वाले पहचान चिन्ह भी देगा ।

(च) खंड (ख) या खंड (ग) के अधीन सूचना तथा घोषणा प्राप्त होने पर, अधिकरण :

- (1) उपनियम (2) के खंड (ख) के अधीन अनुमोदित एककों द्वारा विनिर्मित वस्तुओं का निर्यात करने वाले निर्यातकर्ता की दशा में, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान, एकक ने उपाबंध III के अन्तर्गत दिए गए पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है तथा इस संबंध में परिषद् द्वारा जारी किये गए निर्देशों यदि कोई हों, का अनुसरण किया है तो तीन दिन के भीतर यह घोषणा करने हुए प्रमाणपत्र जारी करेगा कि सेफ्टीरेजर ब्लेडों का परेषण

निर्यात योग्य है। किन्तु अभिकरण कालिक निरीक्षणों द्वारा यह सुनिश्चित करेगा कि विनिर्माण परिसरों पर पर्याप्त नियंत्रण का प्रयोग किया जाता है, तथा

(2) उपनियम (2) के खंड (ग) के अधीन आने वाले एककों द्वारा विनिर्मित वस्तुओं का निर्यात करने वाले निर्यातकर्ता की दशा में, सेफ्टीरेज़र ब्लेडों का निरीक्षण यह सुनिश्चित करने के विचार से करेगा कि उत्पादन इस प्रयोजन के लिए मान्य विनिर्देशों के अनुरूप है।

(छ) (1) निरीक्षण की समाप्ति के पश्चात् अभिकरण दुरन्त परेषण के पैकेजों को इस ढंग से पैक करेगा कि यह सुनिश्चित हो जाए कि मीलबंद पैकेजों में हस्तक्षेप न किया जा सके।

(2) परेषण अस्वीकृत हो जाने की दशा में, यदि निर्यातकर्ता चाहे तो, अभिकरण परेषण को मुद्राबंद नहीं करेगा।

(3) किन्तु ऐसे मामलों में, निर्यातकर्ता अस्वीकृति के विरुद्ध अपील करने का हकदार नहीं होगा।

(ज) यदि अभिकरण का यह समाधान हो जाता है कि सेफ्टीरेज़र ब्लेडों का परेषण इन नियमों के अधीन उपेक्षाओं के अनुरूप है तो वह निरीक्षण की समाप्ति से सात दिन के भीतर निर्यातकर्ता को यह घोषण करने हुए प्रमाणपत्र जारी करेगा कि परेषण नियमित योग्य है।

परन्तु जहाँ अभिकरण का इस प्रकार समाधान नहीं हो पाता, वहाँ वह उक्त सात दिन की अवधि के भीतर इसके लिए कारणों की सूचना देते हुए अस्वीकृत पत्र जारी करेगा।

(झ) अभिकरण जब भी और जहाँ अपेक्षा करे, निर्यातकर्ता निरीक्षण तथा परीक्षण के लिए परेषण में से सेफ्टीरेज़र ब्लेडों के निःशुल्क नमूने देगा। किन्तु ऐसे नमूने कार्य हो जाने के पश्चात अभिकरण द्वारा लौटा दिए जाएंगे।

4. मान्य चिन्ह चिपकाना तथा उसकी प्रक्रिया :—भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) नियम, 1955 तथा भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) विनियम, 1955 के उपबंध सेफ्टीरेज़र पर निर्यात से पूर्व मुद्रा लगाने या चिन्ह चिपकाने की प्रक्रिया के संबंध में यथासंभव लागू होंगे तथा इस प्रकार चिन्हित सेफ्टीरेज़र ब्लेडों नियम 3 के अन्तर्गत किसी भी निरीक्षण के अधीन नहीं होंगे।

5. निरीक्षण स्थान :—इन नियमों के अधीन निरीक्षण विनिर्माण के या अन्य परिसरों पर किया जाएगा जहाँ परीक्षण तथा निरीक्षण के लिए पर्याप्त सुविधाएँ उपलब्ध हैं।

6. निरीक्षण शुल्क :—निर्यातकर्ता अभिकरण को निरीक्षण फीस निम्नलिखित रूप में देगा।

(क) स्वयं प्रमाणीकरण योजना के अधीन एककों के लिए :—

5 लाख रुपए प्रतिवर्ष से कम के निर्यात के लिए 1,000 रु० प्रतिवर्ष। 5 से 25 लाख रुपए प्रतिवर्ष तक के निर्यात के लिए 2,500 रुपए प्रतिवर्ष।

25 से 50 लाख रुपए प्रतिवर्ष तक निर्यात के लिए 5,000 रुपए प्रतिवर्ष।

50 से 100 लाख रुपए प्रतिवर्ष तक के निर्यात के लिए 10,000 प्रतिवर्ष।

100 लाख रुपए प्रतिवर्ष से अधिक के निर्यात के लिए 20,000 रुपए प्रतिवर्ष।

(ख) प्रक्रियागत अवधिनिर्देश नियंत्रण योजना के अधीन एककों के लिए :—

प्रत्येक परेषण के लिए पौन पर्यन्त निःशुल्क मूल्य के प्रत्येक सौ रुपए के लिए बॉक्स वैसे की दर से, किन्तु एक सौ रुपए से कम नहीं।

(ग) परेषण के अनुसार निरीक्षण योजना अधीन एककों के लिए : प्रत्येक परेषण के लिए, पौन पर्यन्त निःशुल्क मूल्य के प्रत्येक एक सौ रुपए से कम नहीं।

7. अपील :—(1) नियम 3 के अधीन अभिकरण द्वारा प्रमाणपत्र देने के इन्कार में व्यथित कोई व्यक्ति उनके द्वारा ऐसे इन्कार की सूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा बनाए गए कम से कम तीन व्यक्तियों के विशेषज्ञों के पैनल को, अपील कर सकेगा।

(2) पैनल के विशेषज्ञों की कुल संख्या के दो तिहाई आशासकीय सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन की होगी।

(4) अपील प्राप्त होने के पन्द्रह दिन के भीतर निपटा दी जाएगी।

अनुबन्ध II

(नियम 3 देखिए)

स्वयं प्रमाणीकरण के सात बंध

(1) एकक के पास सभी संक्रियाओं के लिए प्रभावी तथा व्यापक क्वालिटी नियंत्रण व्यवस्था होनी चाहिए।

(2) उच्च स्तर पर क्वालिटी नियंत्रण व्यवस्था का प्रधान उद्देश्य स्तर का कोई सक्षम तकनीकी व्यक्ति होना चाहिए तथा उसे इस अधिकारी को रिपोर्ट न देनी हो जो उत्पादन का प्रभारी है।

(3) एकक के पास न केवल उसके उत्पाद के लिए अपितु क्रय की गई भ्रमस्त कच्ची सामग्री तथा संघटकों के लिए, विस्तृत कम्पनी मानक होने चाहिए। ऐसे कम्पनी मानक संबंधित भारतीय मानक विनिर्देशों की क्वालिटी से निम्नस्तर के नहीं होने चाहिए।

(4) एकक के पास नैसर्गिक तथा स्वीकृति परीक्षणों साथ ही यथासंभव टाइम परीक्षणों के लिए भी, अपनी सुविधाएँ होनी चाहिए। उसके प्रति-रिक्त एकक के पास उसके द्वारा प्रस्तुत मेंगों पर, प्रभावशाली मौसम संबंधी नियंत्रण रखने के लिए आवश्यक उपस्कर होने चाहिए।

(5) एकक के पास मानक विनिर्देशों के अनुसार उसके उत्पादन की क्षमता को सुनिश्चित करने के लिए, परीक्षण तथा निरीक्षण के लिए स्पष्टतः अधिकृत कोई योजना होनी चाहिए जिसमें उन गुणधर्मों का जितना उल्लेख होना चाहिए। परीक्षण की योजना का अस्तित्व ही पर्याप्त नहीं है, अपितु एकक को अपनी दक्षता के बारे में स्वतंत्र पैनल का समाधान करना होगा।

(6) निर्यात किया जाने वाला माल स्वयं प्रमाणीकरण के अधीन प्रमाणित किया जाने वाला माल, सम्बद्ध भारतीय मानक या अन्य कोई मान्यता-प्राप्त राष्ट्रीय मानकों के अनुरूप होना चाहिए।

(7) एकक के पास भारत की ओर विदेशी भंडियों में कम से कम तीन वर्ष की अवधि का, निरन्तर उपभोक्ता संतुष्टि प्रमाणित होना चाहिए। डिजाइन विनिर्माण तथा पैकिंग की शिकायतें कम से कम होनी चाहिए और ऐसी शिकायत की दशा में एकक को सुधार के लिए प्रभावी तथा सकारात्मक उपाय करने चाहिए और उपभोक्ताओं की संतुष्टि सुनिश्चित करनी चाहिए।

(5) महायुक्त एककों द्वारा प्रत्येक निर्यात का दशा में जो भारत में श्री० ई० विनिर्माताओं को भी मान्य भेजने है, उसके पत्र इस वाक्य कोई अभिलेख होता चाहिए कि उसने कम से कम तीन वर्ष की अवधि तक उन्हें भवलिटी मान का प्रदाय किया है।

(9) ऊपर दिए गए मापों के अनिश्चित युक्तियों को उल्लिखित उत्पाद प्रक्रिया नियंत्रण की अपेक्षा होगी।

उपबध III

(नियम 3 देखिए)

प्रक्रियागत भवलिटी नियंत्रण —

निर्यात के लिए आशयित सेक्टोरेडर ब्लेडों की भवलिटी विनिर्माता द्वारा निनिर्माण के विभिन्न स्तरों पर निम्नलिखित नियंत्रणों का प्रयोग करके सुनिश्चित की जाएगी।

1. क्रय की गई सामग्री तथा घटक नियंत्रण — (क) विनिर्माता प्रयुक्त किये जाने वाले घटकों या सामग्री को विशेषताओं तथा म्हायनाओं भहित विस्तृत विभागों को समाविष्ट करने हुए क्रय निनिर्देश अधिर्वास करेगा।
- (ख) स्वीकृत परेषणों के साथ या तो क्रय निनिर्देशों की अपेक्षा की पुष्टि करने हुए उत्पादों का परीक्षण प्रमाणपत्र होगा अथवा ऐसे परीक्षण प्रमाणपत्रों के अभाव में, क्रय निनिर्देशों में इसका अनुसूचना की जांच करने के लिए प्रत्येक परेषण में से नमूनों की नियमित जांच की जाएगी। उत्पादसकर्म परीक्षण प्रमाणपत्र को गृह्यता सत्यापित करने के लिए, पांच परेषणों में से कम से कम एक का जाएगा।
- (ग) आने वाले परेषणों का निरीक्षण तथा परीक्षण मांख्यकी नमूना योजना के अनुसार क्रय निनिर्देशों में अनुसूचना सुनिश्चित करने के लिए किया जाएगा।
- (घ) निरीक्षण तथा परीक्षण किए जाने के पश्चात् स्वीकृत तथा अस्वीकृत मान या घटकों के पृथक्करण के लिए, तथा अस्वीकृत मान या घटकों के निपटाने के लिए व्यवस्थित पद्धतिया अपनाई जाएगी।
- (ङ) उपरोक्त नियंत्रण के संबंध में पर्याप्त अभिलेख व्यवस्थित रूप से रखा जाएगा।
2. प्रक्रिया नियंत्रण — (क) विनिर्माता विनिर्माण की विभिन्न प्रक्रियाओं के लिए व्यौरेवार प्रक्रिया निनिर्देश अधिर्वास करेगा।
- (ख) प्रक्रिया निनिर्देश में अधिर्वासित प्रक्रियाओं को नियंत्रित करने के लिए उपस्कर या उपकरणों की पर्याप्त सुविधाएं होंगी।
- (ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रण के स्थापन की संभावनाओं को सुनिश्चित करने के लिए पर्याप्त अभिलेख रखा जाएगा।
3. उत्पाद नियंत्रण (क) मानक निनिर्देशों के अनुसार उत्पादन का परीक्षण करने के लिए विनिर्माता के पास या तो अपनी परीक्षण सुविधाएं हों या उसकी पहुंच वहां तक होगी जहां ऐसी सुविधाएं विद्यमान हैं। इसके लिए पर्याप्त अभिलेख रखा जाएगा।
- (ख) परीक्षण के लिए नमूना (जहां कहीं भी अपेक्षित हो) अधिलिखित अवलक्षण पर आधारित होगा।
- (ग) अधिर्वासित निरीक्षण जांच सूची के अनुसार प्रत्येक समुच्चय की जांच की जाएगी।
4. मौसम संबंधी नियंत्रण — उत्पादन तथा निरीक्षण में प्रयुक्त गजों तथा उपकरणों की कालिक जांच या अग्रशोधन किया जाएगा तथा अभिलेख वृत्त कार्ड के रूप में रखे जाएंगे।

5. परीक्षण नियंत्रण — (क) विनिर्माता उत्पाद को मौसमी परिस्थितियों के प्रतिकूल प्रभाव से सुरक्षित रखने के लिए व्यौरेवार निनिर्देश अधिर्वासित किए जाएंगे।

(ख) भंडारकरण एवं अधिर्वासित दोनों के दौरान उत्पाद को सुरक्षित रखा जाएगा।

6. पैकिंग नियंत्रण — उपर्युक्त उत्पाद की पैकिंग के लिए निनिर्देश अधिर्वासित किया जाएगा।

[सं० 6 (37)/76-नि० नि० तथा नि० उ०]

सी० बी० कुकरती, संयुक्त निदेशक

(Department of Commerce)

ORDER

New Delhi, the 9th June, 1979

S.O. 2057.—Whereas the Central Government is in opinion that it is necessary and expedient so to do for the development of the export trade of India and that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act 1963 (22 of 1963) safetyrazor Blades shall be subject to quality control, and inspection prior to export:

And whereas, the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964:

Now, therefore, in pursuance of the said sub-rule and in supersession of the notification of the Government of India in the Ministry of Commerce No. S.O. 2304 dated the 16th July, 1977 the Central Government hereby publishes the said proposals for the information of public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Gazette of India, to the Export Inspection Council, 14/1-B, Ezra Street, Calcutta-1.

PROPOSALS

- (1) To notify that safety razor blades shall be subject to quality control and inspection prior to export,
- (2) To specify the type of quality control and inspection in accordance with the draft Export of safety razor blades (Quality Control and inspection) Rules, 1979 set out in Annexure I to this order as the type of quality control and inspection, which shall be applied to such safety razor blades prior to export;
- (3) To recognise :
 - (a) the relevant Indian standard specification or any other national standard specification;
 - (b) the specifications which do not fall under clause (a) above but are approved by a panel of experts appointed by the Export Inspection Council for the purpose of examining and approving such standards declared by the exporter as contractual specifications as the standard specifications of safety razor blades;
- (4) To prohibit the export in the course of international trade of such safety razor blades unless the same are accompanied by a certificate issued by any one of the agencies recognised or established by the Central Government under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the safety razor blades satisfy the conditions relating to quality control and inspection and are exportworthy or carry a mark or seal recognised by the Central Government under Section 8 of the said Act;

2. Nothing in this order shall apply to the export by land, sea or air of bonafide samples of safety razor blades to prospective buyers, the f.o.b. value of which does not exceed rupees one hundred and twenty five.
3. In this order, "safety razor blades" shall mean only double edged blades used for shaving.

ANNEXURE I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)

1. Short title and commencement.—(1) These rules may be called the Export of Safety Razor Blades (Quality Control and Inspection) Rules, 1979.

(2) They shall come into force on 6 months date of publication of the Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;
- (b) "agency" means any of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras or any other organization recognised by the Central Government under section 7 of the Act ;
- (c) "safety razor blade" means only doubled edged blades used for shaving.

3. Basis and procedure for inspection.—(1) The inspection shall be carried out with a view to ensuring that safety razor blades intended for export, have been produced by exercising the levels of control specified in Annexure II or Annexure III or the quality of the same conforms to the specifications recognised by the Central Government under section 6 of the Act.

(2) Any one of the following schemes of inspection shall be adopted for safety razor blades ; namely :—

- (a) Self-Certification.—(i) Any manufacturing unit fulfilling the norms listed in Annexure II shall apply to the Regional Office of Export Inspection Council, Aman Chambers (4th Floor), 113, M. Karve Road, Bombay-400004.
- (ii) Any one of the panels appointed by the Council shall visit such unit and assess as to whether effective quality assurance system is operating satisfactorily.
- (iii) The units that are approved by the panel shall be recognised under Section 7 of the Act, enabling them to issue certificates of export worthiness for their export consignments.
- (iv) Such recognition shall be valid for a period of one year, and shall be renewed thereafter based on the continuance of the effective quality assurance system :

Provided that if the Central Government is of opinion that any recognition granted to any manufacturing unit should, in the public interest, be withdrawn the Central Government may, after giving a reasonable opportunity to that unit withdraw the recognition under Section 7 of the Act.

- (b) In process quality control.—(i) Any manufacturing unit having adequate in-process quality control as per Annexure III shall apply to the nearest office of the Council, given below :—

Export Inspection Council,
14/1-B, Ezra Street,
Calcutta-700001.

Regional Offices :—

1. Export Inspection Council,
Aman Chambers, 4th floor,
113, Maharshi Karve Road,
Bombay-400004

2. Export Inspection Council,
Manohar Building,
Mahatma Gandhi Road,
Ernakulam,
Cochin-682011.

3. Export Inspection Council,
Municipal Market Building,
3, Sarawati Marg, Karol Bagh,
New Delhi-110005.

(ii) Export Inspection Council shall then arrange a visit to the manufacturing unit and assess as to whether an effective in-process quality control system is operating satisfactorily.

- (c) Consignmentwise inspection.—Any manufacturing unit not satisfying the requirements specified in clauses (a) and (b) shall offer to any agency their export consignments for inspection which shall be done to ensure that the products manufactured by it conforms to the specification recognised by Central Government under section 6 of the Act.

(3) The following procedure shall be followed for inspection and certification of safety razor blades, namely :—

- (a) Any manufacturing unit recognised under self-certification scheme under clause (a) of sub-rule (2) shall issue certificate of export worthiness for export consignments, manufactured by it.
- (b) (i) Any exporter (other than those manufacturing units recognised under self-certification scheme) intending to export safety razor blades shall give intimation in writing of his intention so to do and submit along with such intimation a declaration of the specifications giving detailed of all technical characteristics as stipulated in the export contract relating to such export to any of the agencies to enable it to carry out inspection in accordance with clause (b) or clause (c) of sub-rule (2).
- (ii) He shall at the same time endorse a copy of such intimation for inspection to the office of the Council nearest to the office of the agency.
- (c) For export of products manufactured by units approved under clause (b) of sub-rule (2) the exporter shall also submit along with such intimations a declaration that the safety razor blades intended for export has been manufactured by exercising quality control as laid down in Annexure III and that the consignment conforms to the requirements of the specifications recognised for this purpose.
- (d) Every intimation and declaration under clause (b) or clause (c) shall reach the office of the agency and the Council not less than two years' prior to the despatch of the consignment from the manufacturer's premises
- (e) The exporter shall also furnish to the agency the identification marks applied on the consignment.
- (f) On receipt of the intimation and declaration under clause (b) or clause (c), the agency ;
- (i) in the case of an exporter exporting products manufactured by units approved under clause (b) of sub-rule (2) on satisfying itself that during the process of manufacture the unit, had exercised adequate quality controls as provided under Annexure III and followed the instructions, if any, issued by the Council in this regard, shall within three days issue a certificate declaring the consignment of safety razor blades as export-worthy. However, the agency shall, ensure through periodic inspections that adequate control are exercised at the manufacturing premises, and
- (ii) in case of exporter exporting products manufactured by units falling under clause (c) sub-rule (2) shall carry out inspection of safety razor blades with a view to ensuring that the products conform to the specifications recognised for the

- (g) (i) After completion of inspection, the agency shall immediately seal packages in the consignment in a manner so as to ensure that the sealed packages cannot be tampered with.
- (ii) In case of rejection of consignment, if the exporter so desires, the consignment may not be sealed by the agency.
- (iii) In such cases, however, the exporter shall not be entitled to prefer any appeal against the rejection.
- (h) If the agency is satisfied that the consignment of safety razor blades complies with the requirements under these rule it shall within seven days of completion of inspection, issue a certificate to the exporter declaring that the consignment is exportworthy.

Provided that where the agency is not so satisfied, it shall within the said period of seven days, issued a rejection letter communicating the reasons therefor.

- (i) As and when required by the agency, the exporter shall supply free of charge for inspection and testing samples of safety razor blades from export consignment. Such samples shall however, be returned by the agency after done with.

4. Affixation of recognised mark and procedure thereof:—The provisions of the Indian Standard Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standard Institution (Certification Marks) Rules, 1955 and the India Standards Institution (Certification Marks) Regulations, 1955 shall so far as may apply in relation to the procedure of affixation of the recognised mark of seal on safety razor blades prior to export and safety razor blades so marked shall not be subjected to any inspection under rule 3.

5. Place of Inspection: Inspection under these rules shall be carried out at the manufacturing or other premises where adequate testing and inspection facilities are available.

6. Inspector fee : Inspection fee shall be paid by the exporter to the agency as under:

- (a) For units under self-certifications scheme :

Rs. 1,000 per annum for exports of less than Rs. 5 lakhs per annum.
Rs. 2,500 per annum for exports of over Rs. 5 to 25 lakhs per annum.
Rs. 5,000 per annum for exports of over Rs. 25 to 50 lakhs per annum.
Rs. 10,000 per annum for exports of over Rs. 50 to 100 lakhs per annum.
Rs. 20,000 per annum for exports exceeding Rs. 100 lakhs per annum.

- (b) For units under inprocess quality control scheme.—At the rate of twenty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees hundred only for each consignment.

- (c) For units under consignment-wise inspection scheme.—At the rate of fifty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees hundred only for each consignment.

7. Appeal. —(1) Any person aggrieved by the refusal of the agency to issue a certificate under rule 3 may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than three persons that may be constituted by the Central Government.

- (2) The panel shall consist of at least two-third of non-officials of the total memberships of the panel of experts.
- (3) The quorum for the panel shall be three.
- (4) The appeal shall be disposed of within fifteen days of its receipts.

ANNEXURE II

(See rule 3)

Norms of Self-Certification

- (i) The unit should have an effective and comprehensive quality control set up covering all operations.
- (ii) The quality control set up should be headed by a competent technical person at a senior level and he should not be reporting to an officer who is in-charge of production.
- (iii) The unit should have detailed company standards not only for its products but also for the entire range of raw materials and components that are bought out. Such company standards should not be lower in quality to that of the relevant Indian Standard Specifications.
- (iv) The unit must have its own facilities for routine and acceptance tests and to the extent possible, type tests as well. Further the unit should have necessary equipment for exercising an effective metrological control over the gauges used by them.
- (v) The unit should have a clearly laid down scheme of testing and inspection indicating the characteristics to be tested and the frequency of testing to ensure conformity of its production to the standard specifications. The existence of a scheme of testing alone would not be sufficient but the unit should be able to convince an independent panel about its efficiency.
- (vi) The goods to be exported and to be certified under self certification should conform to the relevant Indian Standard or any other recognised national standard.
- (vii) The unit should have a record of continuous consumer satisfaction in India and in the overseas markets for a minimum period of 3 years. Incidents of complaints of design, manufacture and packaging should be minimum and in the event of any such complaint the unit should have taken effective and positive measures of improvement and ensured customer satisfaction.
- (viii) In the case of direct exports by ancillary units, who are also supplying to O.E. manufacturers in India there should be a consistent record of quality supplies to them for a minimum period of 3 years.
- (ix) Apart from the norms prescribed above the units will also be required to have the stipulated in process controls.

ANNEXURE III

(See rule 3)

In-process Quality Control.—The quality of the Safety Razor Blades intended for export shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture.

1. Bought out materials and components control.—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.
- (b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificate shall be counter-checked at least once in five consignments to verify the correctness.
- (c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plans.

(d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components.

(e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

2. Process Control.—(a) Detailed process specifications shall be laid down by the manufacturers for various process of manufacture.

(b) Equipment or instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

3. Product Control.—(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specifications. Adequate records thereof shall be maintained.

(b) Sampling (Wherever required) for testing shall be based on a recorded investigation.

(c) Each and every assembly shall be checked against a laid down inspection check list.

4. Metrological Control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards.

5. Preservation Control.—(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions.

(b) The product shall be well preserved both during storage and during transit.

6. Packing Control.—A specification shall be laid down for packing the aforesaid products.

[No. 6(37)/76-EI&EP]

C. B. KUKRETI Jt. Director

मुद्रण नियंत्रक, आयात-निर्यात का कार्यालय

आदेश

नई दिल्ली, 31 मई, 1979

का० आ० 2058.—मर्सरी क्रॉम्पटन ग्रीन्स लि०, बम्बई को स्थायी आई डी ए क्रेडिट-टी डी एक सं० 616—आई एन के अन्तर्गत पूंजीगत माल के आयात के लिए 24,47,000/— रुपये (चौबीस लाख सैंतालीस हजार रुपये मात्र) (एस डब्ल्यू एफ आर एस 6,52,150 का आयात लाइसेंस सं० पी/सी जी/2072937 दिनांक 3-1-78 प्रदान किया गया था। पार्टी ने उपर्युक्त लाइसेंस की मुद्रा-विनियम नियंत्रण प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल मुद्रा-विनियम नियंत्रण प्रति आंशिक रूप से अर्थात् 19,70,864/— रुपये (उन्नीस लाख सत्तर हजार आठ सौ बीसठ रुपये मात्र) (एस डब्ल्यू एफ आर एस 5,26,021.69) के लिए उपयोग करने के पश्चात् खो गई अथवा अस्थानस्थ हो गई है।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने सहायक पंजीयक, महानगरीय जिलाधीश न्यायालय बम्बई के सम्मुख विधिवत् शपथ लेकर एक स्टैम्प पेपर पर शपथ-पत्र दाखिल किया है। तबनुसार, मैं संतुष्ट हूँ कि आयात लाइसेंस सं० पी/सी जी/2072937, दिनांक 3-1-78 की मूल मुद्रा-विनियम नियंत्रण प्रयोजन प्रति फर्म द्वारा खो गई अथवा अस्थानस्थ हो गई है। यथा संशोधित, आयात नियंत्रण आदेश, 1955, दिनांक 7-12-55 की उपधारा 9 (सी सी) के अन्तर्गत प्रवृत्त अधि-

कारों का प्रयोग करने हुए, मर्सरी क्रॉम्पटन ग्रीन्स लि०, बम्बई को जारी किए गए आयात लाइसेंस सं० पी/सी जी/2072937 दिनांक 3-1-78 को उक्त मूल मुद्रा विनियम नियंत्रण प्रयोजन प्रति एनड द्वारा रद्द की जाती है।

3. पार्टी को उक्त लाइसेंस की अनुलिपि मुद्रा-विनियम नियंत्रण प्रति अलग से जारी की जा रही है।

[सं० 1991/77/4/सी. जी.—1]

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 31st May, 1979

S.O. 2058.—M/s. Crompton Greaves Ltd., Bombay were granted import licence No. P/CG/2072937 dated 3-1-78 for Rs. 24,47,000/- (Rupees twenty four lakh and forty seven thousand only) (Sw. Frs 6,52,150) for import of capital goods under XIth IDA Credit-TDF No. 616-IN. The party have applied for issue of duplicate copy of exchange control purposes copy of the above mentioned licence, on the ground that the original exchange control copy of the licence has been lost or misplaced by them, after utilising the same for a part value of Rs. 19,70,864 (Rupees nineteen lakh seventy thousand eight hundred & sixty four only)—(Sw. Frs. 5,26,021.69).

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before Assistant Registrar, Metropolitan Magistrates Courts, Bombay. I am accordingly satisfied that the original Exchange Control purposes copy of the import licence No. P/CG/2072937, date 3-1-78 has been lost or misplaced by the firm. In exercise of the power conferred under sub-clause 9(c) of the import Control Order, 1955, dated 7-12-55 as amended the said original exchange control purposes copy of import licence No. P/CG/2072937 dated 3-1-78 issued to M/s. Crompton Greaves Ltd, Bombay is hereby cancelled.

3. A duplicate exchange control copy of the said licence is being issued to the Party separately.

[No. 1991/77/4/CG-I]

का० आ० 2059.—राज्य व्यापार निगम नई दिल्ली को 1978 व्यापार योजना के अन्तर्गत जर्मन गणतन्त्र गणराज्य से मेटोल का आयात करने के लिए 2 लाख 50 हजार रुपये मूल्य के लिए आयात लाइसेंस सं० जी/टी/2433282 और जी/टी/2433283 दिनांक 19-10-1978 प्रदान किया गया था। उन्होंने उक्त आयात लाइसेंसों की दो अनुलिपि प्रतियां जारी करने के लिए इस आधार पर आवेदन किया है कि उनसे मूल लाइसेंस खो गए/अस्थानस्थ हो गए हैं। लाइसेंसधारी ने प्राप्ति यह भी बताया है कि लाइसेंस भारत के किसी भी पन्त पर पंजीकृत नहीं हुए हैं।

अपने तर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस सं० जी/टी/2433282 और जी/टी/2433283 दिनांक 19-10-78 की दोनों प्रतियां खो गई हैं और आवेदक बता है कि उनका उक्त लाइसेंसों की दोनों प्रतियां जारी की जानी चाहिए। मूल लाइसेंस एनड द्वारा रद्द किए जाते हैं।

लाइसेंस सं० जी/टी/2433282 और जी/टी/2433283 दिनांक 19-10-1978 की अनुलिपि प्रतियां अलग से जारी की जा रही हैं।

[सं० एसटीसी/जी डी आर-3-4/78-79/आर एम 8/72]

सी० एम० आर्य, उप-मुख्य नियंत्रक

S.O. 2059.—The S.T.C. of India Ltd., New Delhi were granted import licence No. G/T/2433282 and G/T/2433283 dated 19-10-78 for the import of Metol from GDR under 1978 Trade Plan worth Rs. 2.50 lakh each.

They have requested for the issue of two duplicate copies of the above mentioned import licences on the ground that the original licences have been lost/misplaced by them. It has further been reported by the licencee that the licences have not been registered with any port in India.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that both the copies of licences No. G/T/2433282 & G/T/2433283 dated

19-10-78 have lost and directs that both the copies of the said licences should be issued to them. The original licences are hereby cancelled.

Duplicate copies of the licences No. G/T/2433282 & G/T/2433283 dated 19-10-78 are being issued separately.

[No. STC/GDR-3-4/78-79/RM, VIII/72]

C. S. ARYA, Dy. Chief Controller

(सार्वजनिक पूर्ति एवं सहकारिता विभाग)

भारतीय मानक संस्था

नई दिल्ली, 1979-05-25

क्र० आ० 2060—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी एम/एल—5038 जिसके बारे में नीचे दिए गए हैं, इस अप्रैल उन्नीस सी उन्नीस से रद्द कर दिया गया है।—

अनुसूची

क्रम लाइसेंस संख्या और तिथि संख्या	लाइसेंस धारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	संलग्न भारतीय मानक
1 सी एम/एल-5038/1976-02-26	मैक्स इंडस्ट्रियल केमिकल एंड मिनरल्स, 25-बी, लोनी रोड इंडस्ट्रियल एरिया, मोहन नगर, गाजियाबाद (उ० प्र०)	बीएचसी (एचसीएच) जल विसर्जन-नीय तेज चूर्ण	IS : 562-1972 बी एच सी (एच सी एच) जल विसर्जनीय तेज चूर्ण की विशिष्टि (तीसरा पुनरीक्षण) [सी एम डी/55 : 5038]

(Deptt. of Civil Supplies & Co-operation)

INDIAN STANDARDS INSTITUTION

New Delhi, 1979-05-25

S.O. 2060.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/1-5038 particulars of which are given below has been cancelled with effect from Tenth April, One Thousand Nine Hundred and Seventynine:

SCHEDULE

Sl. No. & Date	Licence No.	Name & Address of the Licensee	Article/Process Covered by the Licence Cancelled	Relevant Indian Standards
1	2	3	4	5
1.	CM/L-5038 1976-02-26	M/s Industrial Chemical & Minerals, 25-B Loni Road, Industrial Area, Mohan Nagar, Ghaziabad (U.P.).	BHC (HCH) Water Dispersible Power Concentrates.	IS : 562—1972 Specification for BHC (HCH) Water Dis- persible Powder Concen- trates. (Third Revision).

[CMD/55 : 5038]

क्र० आ० 2061—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी एम/एल-1929 जिसके बारे में नीचे दिए गए हैं, पहली अप्रैल, उन्नीस सी सत्तर से रद्द कर दिया गया है :

अनुसूची

क्रम लाइसेंस संख्या और तिथि संख्या	लाइसेंस धारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	संलग्न भारतीय मानक
1. सी एम/एल-1929 1969-02-27	मैक्स श्री विजय दुर्गा पुल्वराइजिंग मिल्स, सिरगुप्पा रोड, अब्बाबादी, बैलारी	एन्ड्रिन पायसनीय तेज द्रव मार्का "लायन"	IS : 1310-1974 एन्ड्रिन पाय- सनीय तेज द्रव की विशिष्टि (पहला पुनरीक्षण)

[सी एम डी/55 : 1929]

ए० पी० धनर्जी, उपमहानिदेशक

S.O. 2061:—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L—1929 particulars of which are given below has been cancelled with effect from First April. One Thousand Nine Hundred and Seventyseven :

SCHEDULE

Sl. No.	Licence No. & Date	Name & Address of the Licensee	Article/Process Covered by the Licensee Cancelled	Relevant Indian Standards
1	2	3	4	5
1.	CM/L—1929 1969-02-27	M/s Sri Vijayadurga Pulverising Mills, Siruguppa Road, Avanmabavi, Bellary.	Endrin Emulsifiable Concentrates Brand : LION	IS : 1310—1974 Specification for Endrin Emulsifiable Concentrates (First Revision).

[CMD/55 : 1929]




A.P. BANERJEE, Dy. Director General

नई दिल्ली, 1979-05-30

क्र० प्र० 2062:—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 4 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि जिन मानक चिन्हों की डिजाइन उनके शाब्दिक विवरण तथा तत्संबंधी भारतीय मानक के शीर्षक सहित नीचे अनुसूची में दिये गये हैं वे भारतीय मानक संस्था द्वारा निर्धारित किये गए हैं :-

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिन्ह प्रत्येक के आगे दी गई तिथियों से लागू होंगी :

अनुसूची

क्रम संख्या	मानक चिन्ह की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी भारतीय मानक की पद-संख्या और शीर्षक	मानक चिन्ह की डिजाइन का शाब्दिक विवरण	लागू होने की तिथि
1	2	3	4	5	6
1. IS		माखिस की डिब्बियां	IS : 2653—1964 माखिस की डिब्बियां की विशिष्ट	भारतीय मानक संस्था का मोनोग्राम जिसमें "ISI" शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।	1978-10-01
2. IS		उच्च गति औजारों के हस्तात	IS : 7291—1974 उच्चगति औजारों के हस्तात की विशिष्ट	भारतीय मानक संस्था का मोनोग्राम जिसमें "ISI" शब्द होते हैं, स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।	1979-03-01
3. IS		गैस परीक्षण के लिए ज्वाला बचाव लेभम	IS : 7577—1975 गैस परीक्षण के लिए ज्वाला बचाव सैन्य की विशिष्ट	—	1978-11-16




[सं० सी एस डी/13:9]

New Delhi, 1979-05-30

S.O. 2062.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby, notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

SCHEDULE

Sl. Design of the No. Standardmark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of Standard Mark	Date of Effect
1	2	3	4	5
1. IS:2653 	Safety matches in boxes	IS:2653-1964 Specification for safety matches in boxes	The monogram of the Indian Standard Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2); the number of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design	1978-10-1
2. IS:7291 	High speed tool steels	IS:7291-1974 Specification for high speed tool steels	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design.	1979-03-01
3. IS:7577 	Gas testing flame safety lamps	IS:7577-1975 Specification for gas testing flame safety lamps	-do-	1978-11-16

[No. CMD 13 : 9]

क्रा० प्रा० 2063—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न वस्तुओं की प्रति इकाई मुहर लगाने की कीमत अनुसूची में दी गई व्ययों के अनुसार निर्धारित की गई है।

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न प्रत्येक के प्राप्ति की तिथियों से लागू होगी :

अनुसूची

क्रम उत्पाद/उत्पाद की संख्या की श्रेणी	तत्सम्बन्धी भारतीय मानक की पदसंख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की कीमत	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1. माचिस की डिब्बियाँ	IS : 2653-1964 माचिस की डिब्बियों की विशिष्टि	100 गुरुस	(1) पहली 2000 इकाइयों के लिए रु० 1.00 प्रति इकाई ; (2) 2001 वीं से 5000 तक की इकाइयों के लिए 60 पैसे प्रति इकाई ; (3) 5001 वीं और 10000 तक की इकाइयों के लिए 30 पैसे प्रति इकाई ; और (4) 10001 वीं और इससे ऊपर की इकाइयों के लिए 20 पैसे प्रति इकाई ;	1978-10-01
2. उच्चगति धौआरों के इस्पात	IS : 7291-1974 उच्चगति धौआरों के इस्पात की विशिष्टि	एक मीटरी टन	(1) पहली 20 इकाइयों के लिए रु० 200.00 प्रति इकाई ; (2) 21 वीं और उससे ऊपर की इकाइयों के लिए रु० 100.00 रु० प्रति इकाई	1979-03-01
3. गैस परीक्षण के लिए ज्वाला बचाव लैम्प	IS : 7577-1975 गैस परीक्षण के लिए ज्वाला बचाव लैम्प की विशिष्टि	एक प्रत्यक्ष	रु० 1.00	1978-11-16

[सं० सी एस बी/13 : 10]

ए० पी० बनर्जी, उपमहानिदेशक

S.O. 2063.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee(s) per unit for various products details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant	Unit Indian Standard	Marking Fee per Unit	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Safety matches in boxes.	IS:2653-1963 Specification for safety matches in boxes.	100 gross	(i) Re 1.00 per unit for the first 2000 units; (ii) 60 Paise per unit from 2001st to 5000 units and. (iii) 30 Paise per unit from 5001st to 10000 units and (iv) 20 Paise per unit for 10001st unit and above.	1978-10-01
2.	High speed tool steel	IS:7291-1974 Specification for high speed tool steels	One tonne	(i) Rs. 200.00 per unit for the first 20 units and (ii) Rs. 100.00 per unit for the 21st unit above	1979-03-01
3.	Gas testing flame safety lamps	IS : 7577-1975 Specification for gas testing flame safety lamps	One Piece	Re. 100	1978-11-16

[No. CMD/13 : 10]

A. P. BANERJI, Deputy Director

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 1 जून, 1979

शुद्धिपत्र

का०आ० 2064.—भारत के राजपत्र, असाधारण, भाग 2, खण्ड 3, उपखण्ड (i) में प्रकाशित भारत सरकार के उद्योग मंत्रालय (औद्योगिक विकास विभाग) की अधिसूचना सं० 110(अ), तारीख 24 फरवरी, 1979 में निम्नलिखित संशोधन किया जाएगा :—

- (1) पृष्ठ 197 पर, मब 10 की पंक्ति 1 में, "इण्डियन कॉटन मिल्स फेडरेशन का प्रतिनिधि" के स्थान पर "ग्राम्यस, इण्डियन कॉटन मिल्स फेडरेशन (आई०सी०एम०एफ०)" पढ़ें।

[फा० सं० 13/54/77-टी०पी०सी०]

भार० रामकृष्ण, संयुक्त सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 1st June, 1979

CORRIGENDUM

S.O. 2064.—In the notification of the Government of India, in the Ministry of Industry (Department of Industrial Development) No. S.O. 110(E) dated the 24th February, 1979, published in the Gazette, Extraordinary, Part II, Section 3, Sub-Section (ii), the following amendments shall be carried out :—

- (1) at page 197, in line 1 of item 10 —
for "Representative of Indian Cotton Mills' Federation",
read "The Chairman, Indian Cotton Mills' Federation (ICMF)".

- (2) at page 197, in line 1 of item 17 —
for "The President", read "The Chairman".

[File No. 13/54/77-TPC]

R. RAMAKRISHNA, Jt. Secy.

(भारी उद्योग विभाग)

नई दिल्ली, 4 जून, 1979

का०आ० 2065.—उद्योग मंत्रालय (भारी उद्योग विभाग) की अधिसूचना सं० 1563 दिनांक 28-5-1977 में आंशिक रूप-भेद करते हुए एवम् सरकारी परिसर (गैर कानूनी कब्जा की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उप-प्रबन्धक (प्रशासन), बी०एच० ई०एल०, तिरुचि के स्थान पर प्रबन्धक (प्रशासन) बी०एच०ई०एल०, तिरुचि को उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है। वह, स्थानीय सीमाओं के भीतर जैसाकि 24-8-74 की अधिसूचना का०आ० सं० 2181 की तालिका के भाग 2 में परिभाषित किया गया है, उक्त अधिनियम के द्वारा अथवा के अधीन प्रवृत्त शक्तियों का प्रयोग करेगा और सम्पदा अधिकारी को सौंपे गए कृतव्यों का पालन करेगा।

[फा० सं० 14-3/74-एच०ई०एम०]

एन० सुब्रह्मण्यम, अवसर सचिव

(Department of Heavy Industry)

New Delhi, the 4th June, 1979

S.O. 2065.—In partial modification of the Ministry of Industry's (Department of Heavy Industry) Notification No. 1563 dated 28-5-77 and in exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, (40 of 1971) the Central Government hereby appoints the Manager (Administration), B.H.E.L., Tiruchy to be the Estate Officer for the purposes of the said Act. He shall exercise the powers conferred and perform the duties imposed, on the Estate Officer, by or under the said Act, within the local limits as defined in Part-II of the table of the Notification S.O. No. 2181 dated 24-8-74.

[File No. 14-3/74 HES]

N. SUBRAHMANYAM, Under Secy.

प्रादेश

नई दिल्ली, 19 मई, 1979

का० प्रा० 20 66.—विकास परिषद (कार्यविधिका) नियम, 1952 के नियम 2, 4 और 5 के साथ पठित उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय राज्य सरकार एतद्द्वारा निम्नलिखित व्यक्ति को भारत सरकार, भारी उद्योग विभाग के प्रादेश विनांक 23 फरवरी, 1969 द्वारा मशीनी औजारों के निर्माण अथवा उत्पादकता अनुसूचित उद्योगों के लिए गठित की गई विकास परिषद का सदस्य नियुक्त करती है और निदेश देती है कि उक्त प्रादेशों में निम्नलिखित संशोधन किए जायेंगे, अर्थात् :—

उक्त प्रादेश में, क्रम संख्या 11 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात् :—

11. श्री डी० एस० मुल्ला, प्रेसिडेंट इण्डियन मशीन टूल मैफ्युक्चरर्स एसोसिएशन बम्बई ।

[का० सं० 19-7/78-एम० टी०]

ए० एफ० कुटो, अपर सचिव

ORDER

New Delhi, the 19th May, 1979

S.O. 2066.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 and 5 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints the following person to be a member of the Development Council constituted by the order of the Government of India in the Department of Heavy Industry order dated 23rd February, 1979 for the Scheduled Industries engaged in the manufacture or production of Machine Tools and directs that following amendments shall be made in said order namely :

In the said order for entry occurring against serial No. 11 the following entry shall be substituted namely :—

11. Shri D. S. Mulla, President, Indian Machine Tool Manufacturers' Association, Bombay.

[File No. 19-7/78-MT]

A. F. COUTO, Additional Secy.

विदेश मंत्रालय

नई दिल्ली, 25 अप्रैल, 1979

का० प्रा० 2067.—उत्प्रवास अधिनियम, 1932 (1922 का 7) की धारा 3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा 15 फरवरी, 1979 के अपराज से श्री बी० विल्सन के स्थान पर जिनका प्रत्यावर्तन कौरव राज्य सरकार के अपने मूल-संवर्ग में उसी तारीख से हो गया है, अन-सम्पर्क अधिकारी, श्री ई० राजन को त्रिवेन्द्रम के हवाई पटन का उत्प्रवास-संरक्षक नियुक्त करती है ।

[सं० सी०पी०ओ०ई०/7/79]

एम० एल० सूरी, अपर सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 25th April, 1979

S.O. 2067.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central

Government hereby appoints Shri E. Rajan, Public Relations Officer, to be Protector of Emigrants for the airport of Trivandrum with effect from the forenoon of 15th February, 1979 vice Shri B. Wilson who stands reverted to his parent cadre in the State Government of Kerala with effect from the same date.

[No. CPEO/7/79]

M. L. SURI, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 31 मई, 1979

का० प्रा० 2068.—केन्द्रीय सरकार, औषधि और प्रसाधन सामग्री अधिनियम, 1940 (1940 का 23) की धारा 20 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के स्वास्थ्य और परिवार भियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना का० प्रा० सं० 3362, तारीख 29 अक्टूबर, 1977 को अधिकांश करते हुए,—

- (i) डा० एम० के० मजूमदार उपनिदेशक, केन्द्रीय औषधि प्रयोगशाला, कलकत्ता
- (ii) डा० एस० सी० शर्मा उपनिदेशक, केन्द्रीय औषधि प्रयोगशाला, कलकत्ता
- (iii) श्री बी० मण्डल वैधानिक रसायनज्ञ, केन्द्रीय औषधि प्रयोगशाला, कलकत्ता
- (iv) डा० पी० सी० बोस ज्येष्ठ वैज्ञानिक अधिकारी, केन्द्रीय औषधि प्रयोगशाला, कलकत्ता

को निम्नलिखित वर्गों की औषधियों की बाबत सम्पूर्ण भारत के लिए सरकारी विवेकः नियुक्त करती है, अर्थात् :—

1. सेरा
2. इन्जेक्शन के लिए आशयित सिरम प्रोटीनों का घोल
3. वैक्सोन
4. टाक्सोन
5. एन्टीजिन
6. एन्टी टाक्सोन
7. निजमित शल्य चिकित्सा भिगेचर और निर्जमित सूचक
8. जीवाणु भोजी
9. पशु-चिकित्सा के उपयोग के लिए एन्टी-सेरा
10. पशु-चिकित्सा के उपयोग के लिए वैक्सोन
11. पशु-चिकित्सा के उपयोग के लिए टाक्सोइड
12. पशु-चिकित्सा के उपयोग के लिए डायग्नोस्टिक एन्टीजिन ।

[सं० एक्स 11014/7/79-डी०एम०एस० एण्ड पी०एफ०ए०]

विजय भूषण, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, 31st May, 1979.

S.O 2068.—In exercise of the powers conferred by sub-section (2) of section 20 of the Drugs and Cosmetics Act, 1940 (23 of 1940) and in supersession of the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) S.O. No. 3362 dated 29th October, 1977 the Central Government hereby appoints :—

- (i) D. M. K. Mijumdar, Deputy Director, Central Drugs Laboratory, Calcutta.
- (ii) Dr. S. C. Sharma, Deputy Director, Central Drugs Laboratory, Calcutta

- (iii) Shri B. Mandal, Pharmaceutical Chemist,
Central Drugs Laboratory,
Calcutta.
- (iv) Dr. P.C. Bose, Senior Scientific Officer,
Central Drugs Laboratory,
Calcutta.

to be Government Analysts for the whole of India in respect of the following classes of drugs, namely:—

All classes of non-biological drugs and biological drugs, except the classes of drugs mentioned below namely:—

1. Sera.
2. Solution of Serum proteins intended for injection.
3. Vaccines.
4. Toxins.
5. Antigens.
6. Anti-toxins.
7. Sterilized surgical ligature and sterilized suture.
8. Bacteriophages.
9. Anti-sera for veterinary use.
10. Vaccines for veterinary use.
11. Toxoids for veterinary use.
12. Diagnostic Antigens for veterinary use.

[No. X.11014/2/79-DMS&PFA]
VIJAY BHUSHAN, Dy. Secy.

नई दिल्ली, 31 मई, 1979

का० धा० 2069.—यतः भारतीय आयुर्विज्ञान परिषद् अधिनियम 1956 (1956 का 102) की धारा 7 की उपधारा (1) के उपबन्धों का अनुसरण करते हुए सौराष्ट्र विश्वविद्यालय ने एम० पी० शाह मेडिकल कालेज, जामनगर के डीन डा० एम० एन० जिवल को डा० ए०.एस० माधव के स्थान पर भारतीय आयुर्विज्ञान परिषद् का सदस्य चुना है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) का अनुसरण करते हुए केन्द्रीय सरकार एतद्वारा भूतपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या एस०ओ० 138 में प्रागे और निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खण्ड (ख)" के अखीन निर्वाचित शीर्ष के अन्तर्गत क्रम संख्या 37 और उससे सम्बन्धित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या तथा प्रविष्टि रखी जाएगी, अर्थात्:—

"37. डा० एम० एन० जिवल,
डीन,
एम० पी० शाह मेडिकल कालेज,
जामनगर।

[संख्या बी० 11013/12/79-एम०ई०(पी०)]

भार० बी० श्रीवासन, उप सचिव

New Delhi, the 31st May, 1979

S.O. 2069.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. M. N. Jindal, Dean, M. P. Shah Medical College, Jamnagar, has been elected by the Saurashtra University to be a member of the Medical Council of India vice Dr. A. S. Madhav;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the late Ministry of Health No. S.O. 138 dated the 9th January, 1960, namely, —

In the said notification, under the heading "Elected under clause (b) of sub-section 3", for Serial No. 37 and the entry

relating thereto, the following Serial No. and the entry shall be substituted, namely:—

"37. Dr. M. N. Jindal, Dean,
M. P. Shah Medical College, Jamnagar."

[No. V. 11013/13/79-M.E. (Policy)]
R. V. SRINIVASAN, Dy. Secy.

नई दिल्ली, 4 जून, 1979

का० धा० 2070.—यतः केन्द्रीय सरकार को भारतीय पास्च्यूर संस्थान सम्पत्ति प्रबन्ध योजना (जिसे इसके बाद उक्त योजना कहा जाएगा) के संचालन में कार्य करने वाले व्यक्ति से उक्त योजना में संशोधन करने के लिए एक आवेदन प्राप्त हुआ है।

अब, अतः पूर्ण प्रत्ययनिधि अधिनियम, 1980 (1980 का 6) की धारा 5 की उपधारा (2) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार आवेदक की सहमति से उक्त योजना में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त योजना के पैरा 4 में उल्लिखित शब्द "स्वास्थ्य सेवाओं के अपर महानिदेशक/उप-महानिदेशक" के स्थान पर "निदेशक केन्द्रीय अनुसंधान संस्थान, कसौली" शब्द रखे जाएं।

[संख्या बी० 29011/1/78-ई०पी०आई०(एम०एस०)]

एन० ए० सुब्रामणि, अपर सचिव

New Delhi, the 4th June, 1979

S.O. 2070.—Whereas an application has been received by the Central Government from the person acting in the administration of the Scheme for the administration of property of the Pasteur Institute of India (hereinafter referred to as the said Scheme), for modification of the said Scheme.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 5 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government, with the concurrence of the person who has made the application, hereby makes the following amendment in the said Scheme, namely:—

In paragraph 4 of the Scheme, for the words "Additional Director General/Deputy Director General of Health Services" the words "Director Central Research Institute, Kasauli" shall be substituted.

[No. V. 29011/1/78-EPI (MS)]
N. A. SUBRAMONEY, Under Secy.

राशि पत्र

नई दिल्ली, 6 जून, 1979

का० धा० 2071.—कार्मिक और प्रशासन सुधार विभाग ने इस मंत्रालय को सूचित किया है कि बि सेक्रेटरी आफ स्टेट सर्विस (मेडिकल अटेंडेंस) रूलस, 1938 को एक प्रकटपत्र, 1972 से रद्द कर दिया गया है, और इस मंत्रालय की तारीख 16 फरवरी, 1976 की अधिसूचना संख्या एस० 11011/2/76-सी० जी० एच० एस० (बी०)(ए) केन्द्रीय सरकार स्वास्थ्य योजना (बंगलौर) नियमावली 1976 के पैरा-2 में द्राए शब्द "बि सेक्रेटरी आफ स्टेट्स सर्विसेज (मेडिकल अटेंडेंस) रूलस 1938" को हटा दिया गया माना जाये।

[संख्या एस० 11011/2/76-सी० जी० एच० एस० (बी०)(ए)]

बीमती प्राशा शर्मा, अपर सचिव

CORRIGENDUM

New Delhi, the 6th June, 1979

S.O. 2071.—The Department of Personnel and Administrative Reforms have informed this Ministry that the Secretary of State Service (Medical Attendance) Rules, 1938, have been repealed from the 1st October, 1972, therefore, the words "the Secretary of States' Services (Medical Attendance) Rules, 1938" appearing in para 2 of this Ministry's Notification No. S. 11011/2/76-CGHS(P)(A) dated the 16th February, 1976 Central Government Health Scheme (Bangalore) Rules, 1976 may be treated to have been deleted.

कृषि और सिंचाई मंत्रालय

(खाद्य विभाग)

प्रवेश

नई दिल्ली, 31 मई, 1979

का.प्र. 2072—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाति निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के क्रय, भण्डारण, संचालन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बन्द कर दिया है जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के प्रचीन भारतीय खाद्य निगम के कृत्य हैं;

और यतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाति निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिर्णिक्त कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्यक्ष में उसमें विनिर्दिष्ट तारीख के अन्तर भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12-ए को उधारा (1) के परन्तुक द्वारा यथा प्रेषित सूचना नहीं दी है।

अतः, अब, खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12-ए द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारियों को प्रत्येक के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है:

क्रम सं०	अधिकारी/ कर्मचारियों का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम को स्थानान्तरण की तारीख
1	2	3	4	5
1.	श्री पी० एन० जोशी	—	वरिष्ठ गोदामपाल	1-3-69
2.	श्री भागीरथ प्रताप गुप्त	—	लेखाकार	20-6-70
3.	श्री विश्वनाथ सिंह	कनिष्ठ गोदामपाल	गुण निरीक्षक	1-3-69
4.	श्री एम० भार० रामाकृष्णन	प्रबन्धन सहायक	तकनीकी सहायक	1-3-69

[सं० 52/1/79-एफ० सी० 3 (वालयूम-2)]

एम० एल० कम्बोह, अवर सचिव

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Food)

ORDER

New Delhi, the 31st May, 1979

S.O.2072—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directors and the Pay & Accounts Offices of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-Section (I) of Section 12A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

Sl. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the FCI
1	2	3	4	5
1.	Sh. P.N. Joshi	—	Sr. Godown Keeper	1-3-69
2.	Sh. Bhagirath Prasad Gupta	—	Accountant	20-6-70
3.	Sh. Vishwanath Singh	Junior Godown Keeper	Quality Inspector	1-3-69
4.	Sh. M.R. Ramakrishnan	Fumigation Assistant	Technical Assistant	1-3-69

[No. 52/1/79—F.C.—III, (Vol.—II)]

S. L. KAMBOH, Under Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 31 मई, 1979

का० प्र० 2073.—केन्द्रीय सरकार एतद्वारा उस समयावधि को, जिसके कि अन्दर अन्दर भारत सरकार के पर्यटन और नागर विमानन मंत्रालय की अधिसूचना सं० ए०वी० 15013/28/78-ए, दिनांक 2 मार्च, 1979 द्वारा निपुक्त की गयी जोच अद्यतन को उपर्युक्त अधिसूचना में निविष्ट मामलों की जोच पूरी करने तथा केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत करने की आज्ञा की, और आगे बढ़ा कर 31 अगस्त, 1979 करती है।

{फा० सं० ए०वी० 15013/28/78-ए}

एस० एकम्बरम्, उप सचिव

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 31st May, 1979

S.O. 2073.—The Central Government hereby further extends upto the 31st August, 1979, the period of time within which the Court of Inquiry appointed by the Government of India in the Ministry of Tourism and Civil Aviation vide Notification No. AV. 15013/28/78-A dated 2nd March, 1979, will be expected to complete its inquiry into the matters specified in the Notification mentioned above, and report to the Central Government

{F. No. AV. 15013/28/78-A}

S. EKAMBARAM, Dy. Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 2 जून, 1979

का० प्र० 2074.—दिल्ली परिवहन नियम (सवस्थ) नियम, 1973 के नियम 3 के साथ पठित सड़क परिवहन नियम अधिनियम, 1950 (1950 का 64) की धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री शिव शरण शुक्ल, संयुक्त सचिव और वित्तीय सलाहकार, नौवहन और परिवहन मंत्रालय को दिल्ली परिवहन नियम का मसुदा नियुक्त करती है और भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० का० प्र० 238(ई), दिनांक 1 मई, 1979 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना के पैरा 1 में, मद (2) और तत्सम्बन्धी प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए, अर्थात्:—
“(2) श्री शिवशरण शुक्ल, संयुक्त सचिव और वित्तीय सलाहकार, नौवहन और परिवहन मंत्रालय”।

{फा० सं० टी०जी०डी० (9)/79}

बी० आर० अष्टाग, उप सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 2nd June, 1979

S.O. 2074.—In exercise of the powers conferred by sub-section (1) of section 5 of the Road Transport Corporations Act, 1950 (64 of 1950) read with rule 3 of the Delhi Transport Corporation (Members) Rules, 1973, the Central Government hereby appoints Shri S. S. Shukla, Joint Secretary and Financial Adviser, Ministry of Shipping and Transport, as a Member of the Delhi Transport Corporation and makes the following further amendment in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 238(E), dated the 1st May, 1979, namely:—

In para 1 of the said notification, for item (ii) and the entry relating thereto, the following shall be substituted, namely:—

“(ii) Shri S. S. Shukla, Joint Secretary and Financial Adviser, Ministry of Shipping and Transport”.

B. R. CHAVAN, Dy. Secy.

[File No. TGD(9)/79]

नई दिल्ली, 5 जून, 1979

(व्यापार पोत)

का० प्र० 2075.—व्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 283 के खंड (क) के उपबंधों के अनुसरण में केन्द्रीय सरकार एतद्वारा यह घोषणा करती है कि (1) द्वारा और (2) यमन अरब गणतंत्र की सरकारों ने क्रमशः 27 फरवरी, 1979 और 6 मार्च, 1979 से संवत् में 17 जून, 1960 को हस्ताक्षरित समुद्र में जीवन सुरक्षा संगमन स्वीकार कर लिया है और भारत सरकार, नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना का० प्र० 4743, दिनांक 26 नवम्बर, 1976 में निम्नलिखित और संशोधन करती है:—

“उक्त अधिसूचना में, सारणी में मद 98 और संबंधित प्रविष्टियों के बाद, निम्नलिखित मद और प्रविष्टियाँ रखी जाएंगी, अर्थात्:—

1	2
“99 द्वारा	27 फरवरी, 1979
100 यमन अरब गणतंत्र	6 मार्च 1979”

{सं० 5-एम० एस० आर० (19)/78-एम० ए०}

के० लाल, अवर सचिव

New Delhi, the 5th June, 1979

MERCHANT SHIPPING

S.O. 2075.—In pursuance of provisions of Clause (a) of section 283 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby declares that the Government of countries of (1) Iraq and (2) Yemen Arab Republic have accepted the Convention for the Safety of Life at Sea, signed in London, on the 17th day of June, 1960 with effect from 27th February, 1979 and 6th March, 1979 respectively, and makes the following amendments to the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 4743, dated the 26th November, 1976, namely:—

"In the said notification, in the Table, after item 98 and entries relating thereto, the following items and entries shall be inserted, namely :—

1	2
"99. Iraq	
100. Yemen Arab Republic	
	27 February, 1979
	6 March, 1979."
(No. 5-MSR(19)/78-MA)	
K. LALL, Under Secy.	

निर्माण और आवास मंत्रालय

नई दिल्ली, 31 मई, 1979

कां.प्रा. 2076.—यतः केन्द्रीय सरकार द्वारा निम्नलिखित क्षेत्रों के विषय में दिल्ली बृहत योजना में कुछ संशोधन करने का प्रस्ताव है। दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के अनुसूचों के अनुसार दिनांक 24 फरवरी, 1979 के नोटिस सं. एक. 20(10)/77-एम.पी. के साथ प्रकाशित किया गया था तथा उक्त अधिनियम की धारा 11-ए की उपधारा (3) में यथा अपेक्षित आपत्तियाँ/सुझाव कथित नोटिस की तारीख से 30 दिन के भीतर भंगे गए थे।

और यतः उपर्युक्त संशोधनों के सम्बन्ध में कोई भी आपत्तियाँ/सुझाव प्राप्त नहीं हुए हैं, केन्द्रीय सरकार ने दिल्ली की बृहत योजना में संशोधन करने का निर्णय किया है। अतः उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अब केन्द्रीय सरकार दिल्ली की बृहत योजना में निम्नलिखित संशोधन भारत के राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से करती है, नामतः:

संक्षेप

दक्षिण में 45.72 मीटर (150 फुट) चौड़े जी०टी० रोड, उत्तर एवं पूर्व में आवासीय क्षेत्र तथा पश्चिम में 30.48 मीटर (100 फुट) चौड़े मार्ग (सं. 66) से घिरे हुए क्षेत्र सं. ई-3 के अन्तर्गत आने वाले

0.6 हेक्टेयर (1.49 एकड़) आकार के भूखण्ड का भू-उपयोग "रिहायशी" से "राजकीय कार्यालय (जिला न्यायालय)" में इस अनुबन्ध के साथ परिवर्तित कर दिया है कि सड़क के मार्ग का निर्धारित अधिकार बना रहेगा।

[सं. के०-13011/23/78-डी०डी० I(क)]

हर्ष देव सिन्हा, सचिव

MINISTRY OF WORKS & HOUSING

New Delhi, the 31st May, 1979

S.O. 2076.—Whereas certain modification, which the Central Government proposes to make in the Master Plan for Delhi regarding the areas mentioned hereunder, was published with Notice No. F. 20(10)/77-MP, dated the 24th February, 1979 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of section 11-A of the said Act, within thirty days from the date of the said notice ;

And whereas no objections or suggestions have been received with regard to the aforesaid modification; the Central Government have decided to modify the Master Plan for Delhi ;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this notification in the Gazette of India, namely :

MODIFICATION :

"The land use of an area, measuring 0.6 hectare (149 acres) falling in Zone E-3 and surrounded by 45.72 metres (150 ft. wide G.T. Road in the South, residential area in the North and in the East and 30.48 metres (100 ft.) wide road (No. 66) in the West is changed from 'Residential' to 'Government Offices (District Courts)' with the stipulation that the prescribed right of way of the road will be maintained."

[No. K-13011/23/78-DDI(A)]

H. D. SINHA, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 31 मई, 1979

कां.प्रा. 2077.—केरल राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (घ) के अनुसरण में डॉ० एम० राघवन के स्थान पर डॉ० एम० जे० जार्ज प्रशासनिक चिकित्सा अधिकारी कर्मचारी राज्य बीमा निगम योजना केरल सरकार त्रिवेन्द्रम को चिकित्सा प्रसूचि परियोजना में उस राज्य से प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या कां.प्रा. 2980 दिनांक 26 जुलाई, 1976 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "(संबन्धित राज्य सरकारों द्वारा धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन नामनिर्दिष्ट)" शीर्षक के नीचे सब 12 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

"डॉ० एम० जे० जार्ज,
प्रशासनिक चिकित्सा अधिकारी,
कर्मचारी राज्य बीमा योजना,
केरल सरकार, त्रिवेन्द्रम।

[सं. यू० 16012/10/78-एच० आई०]

MINISTRY OF LABOUR

New Delhi, the 31st May, 1979

S.O. 2077.—Whereas the State Government of Kerala has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Dr. M. J. George, Administrative Medical Officer, Employees' State Insurance Scheme, Government of Kerala, Trivandrum, to represent that State on the Medical Benefit Council in place of Dr. M. Raghavan;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. 2980, dated the 26th July, 1976, namely :—

In the said notification, under the heading "[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]", for the entry against item 12, the following entry shall be substituted, namely :—

"Dr. M.J. George,
Administrative Medical Officer,
Employees' State Insurance Scheme,
Government of Kerala,
Trivandrum."

[No. U-16012(10)/78-H.I.]

नई दिल्ली 2 जून 1979

का० प्रा० 2078.—केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 87 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० प्रा० 1456 दिनांक 4 मई 1978 के अन्तर्गत में कोल इण्डिया प्रेस रॉन्ची (जो पहले सेन्ट्रल कोलफील्ड्स प्रेस लिमिटेड) के रूप में जाना जाता था और जो कि कोल इण्डिया लिमिटेड का समपूर्णांगी है की उक्त उक्त अधिसूचना के प्रवर्तन से पहली जुलाई 1978 से 30 जून 1979 तक जिसमें यह दिन भी सम्मिलित है एक वर्ष की और अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं अर्थात् :—

उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था। जिसे इसमें इससे पश्चात् "उक्त अवधि" कहा गया है, ऐसे विवरणियों, ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देश जो कर्मचारी राज्य बीमा साधारण विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी ;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—

(i) धारा 44 की उपधारा (1) के अधीन उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ ; या

(ii) यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम 1960 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख का उक्त अवधि के लिए रखे गए थे या नहीं ; या

(iii) यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा दिए गए उन फायदों को जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं ; या

(iv) यह अधिनियमित करने के प्रयोजनार्थ कि उस अवधि के दौरान जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

(क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ; या

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अभिमोहाधीन किसी कारखाने स्थापन कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के सन्दाय से संबंधित ऐसे लेखा बहियों और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं ; या

(ग) प्रधान या अव्यवहित नियोजक को उसके अधिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने स्थापन कार्यालय या अन्य परिसर में पाया जाए या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है परीक्षा करना या

ऐसे कारखाने स्थापन कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उनसे पद्धरण लेना।

व्याख्यात्मक भाषण

इस मामले में पूर्वोक्ती प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए महानिदेशक कर्मचारी राज्य बीमा निगम की सकारण वेश से प्राप्त हुई थी। तथापि यह प्रमाणित किया जाता है कि कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वोक्ती प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/40/8-एच० आई०]

New Delhi, the 2nd June, 1979

S.O. 2078.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 1456, dated the 4th May, 1978, the Central Government hereby exempts the Coal India Press (formerly known as the Central Coal field Press Limited), Ranchi, a subsidiary of the Coal India Limited, from the operation of the said Act for a further period of one year with effect from the 1st July, 1978 upto and inclusive the 30th June, 1979.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulation, 1950.

(2) Any Inspector appointed by the Corporation under sub-section (1) of Section 5 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) Verifying the particulars contained in any returns submitted under sub-section(1) of section 44 for the said period; or

- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;
- be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge there of to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employers; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the recommendation of the Employees State Insurance Corporation was received late. However, it is certified that the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/40/78-HI]

का० प्रा० 20 79.—केंद्रीय सरकार कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 87 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना का० प्रा० 2200 तारीख 14 जुलाई 1978 के अनुक्रम में कर्मचारी राज्य बीमा निगम से परामर्श करने के पश्चात् इन्स्ट्रुमेंटेशन लिमिटेड झालवाड़ रोड कोटा को, उक्त अधिनियम के प्रवर्तन से, पहली जुलाई, 1978 से 30 जून, 1979 तक जिसमें यह तारीख भी सम्मिलित है की और अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (i) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियों, ऐसे प्रमाणों और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;
- (2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:—
- (i) धारा 34 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख का, उक्त अवधि के लिए रखा गए थे या नहीं, या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिसके प्रति-फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(vi) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

(क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिससे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के सत्याप से संबंधित ऐसे लेखा, बहियों और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें; या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकर्ता या सेवक को, या ऐसे किसी व्यक्ति को जो ऐसे कारखाने स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति को जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे पदघरण लेना।

व्याख्यात्मक भाषण

इस मामले में पूर्वोक्ती प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन-पत्र की कार्रवाई पर समय लगा। तथापि यह प्रमाणित किया जाता है कि जिन परिस्थितियों में कारखाने को आरंभ में छूट दी गई थी, वह अभी भी विद्यमान हैं और कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वोक्ती प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/19/78-एच० आई०]

हंस राज ठाकड़ा, उप सचिव

S.O. 2079.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2200 dated the 14th July, 1978, the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the Instrumentation Limited, Jhalwar Road Kota from the operation of the said Act for a further period of one year with effect from the 1st July, 1978 upto and inclusive of the 30th June, 1979.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees State Insurance (General) Regulation, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of Section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person when the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case. as the processing of the application for exemption took time. However, it is certified that the condition under which the factory was initially granted exemption still persists and the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/19/78-HI]

HANS RAJ CHHABRA, Deputy Secy.

नई दिल्ली, 15 मई, 1979

आदेश

का० प्रा० 2080.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय रिजर्व बैंक मद्रास के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्वेशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री के० सेल्व-रत्नम् होंगे जिनका मुख्यालय मद्रास में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्वेशित करती है ।

अनुसूची

“क्या भारतीय रिजर्व बैंक, मद्रास के प्रबन्धतंत्र को बैंक की मद्रास शाखा में लिपिक ग्रेड-1, आ एम० पोन्नूस्वामी की, अभिकथित छुट्टी किराया रियायत का झूठा दावा करने के लिए खण्ड स्वरूप दो वेतन-वृद्धियों को वापिस लेने का कार्रवाई न्यायचित है ? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है ?

[संख्या एम्-12012/19/78-डी० 2 ए]

ORDER

New Delhi, the 15th May, 1979

S.O. 2080.—Whereas the Central Government is of opinion that an industrial disputes exists between the employers in relation to the management of Reserve Bank of India, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. Selvaratnam shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Reserve Bank of India, Madras in withdrawing two stages of increments from Shri S. Ponnuswamy, Clerk Grade-I in the Madras Branch of the Bank as a measure of punishment for making alleged false leave fare concession claim is justified ? If not, to what relief is the workman concerned entitled ?”

[No. L-12012/19/78-D.II.A.]

आदेश

नई दिल्ली, 24 मई, 1979

का० प्रा० 2081.—केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में भारतीय स्टेट बैंक, मद्रास, के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार, उक्त विवाद को न्यायनिर्णयन के लिए निर्वेशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक

अधिकारण गठित करती है जिसके फीडासीन अधिकारी श्री टी० सुदरसनम केनियल होंगे, जिनका मुख्यालय मद्रास में होगा और उक्त दिवाव को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करता है।

अनुसूची

"क्या भारतीय स्टेट बैंक, मद्रास के प्रबन्ध तंत्र की निम्नलिखित कर्मचारियों की सेवाएं 13-11-1973 से समाप्त करने की कार्यवाई न्यायोचित है :—

1. सर्वश्री एम० वी० सम्रा
2. श्री० मुनुस्वामी
3. श्री० पलानी
4. के० जयपाल
5. एम० प्रसाद
6. एम० अलाउद्दीन
7. श्री० शंकरन
8. श्री० पेरियास्वामी
9. श्री० टैगोर
10. के० एम० नारायणन
11. एन० मनीकम
12. एम० वी० एदीमूलम
13. चन्द्रन
14. ए० सुनीताथन
15. एम० के० वैद्यानाथन

यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार है ?

[सं० एम-12011/49/78-डी०-2-ए०]

एम० के० मुखर्जी, अवर सचिव

ORDER

New Delhi, the 24th May, 1979

S.O. 2081.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarsanam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of State Bank of India, Madras in terminating the services of the undermentioned workers with effect from 13-11-1973 is justified?"

1. S/Shri M. V. Sarma.
2. G. Munuswamy.
3. G. Palani.
4. K. Jayapal.
5. M. Prasad.
6. S. Alaudeen.
7. V. Sankaran.
8. P. Periaswamy.
9. V. Tagore.
10. K. S. Narayanan.
11. N. Manickam.
12. S. V. Adimoolam.
13. Chandran.
14. A. Susainathan.
15. S. K. Vaithyanathan.

If not, to what relief are the workmen concerned entitled?"

[No. L-12011/49 18-D.H.A.]

New Delhi, the 2nd June, 1979

S.O. 2082.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen over discontinuing payment of Goa Allowance to the workmen employed in the Banks branches in the Territory of Goa, which was received by the Central Government on 28-5-79.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY Reference No. CGIT-2/2 of 1978

PARTIES:

Employers in Relation to the Management of the State Bank of India, Goa Branches
AND

Their Workmen.

APPEARANCES:

For the Employers—Shri D. Shroff, Advocate.

For the Workmen—Shri J. G. Gadkari, Advocate

INDUSTRY—Banking STATE—Maharashtra

Bombay, dated the 7th May, 1979.

AWARD

1. The Government of India, in the Ministry of Labour acting in exercise of the powers conferred upon them under Section 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their Order No. F. No. L-12011/49/77-D HA dated 20th March, 1978.

"Whether the action of the management of the State Bank of India in discontinuing the payment of Goa Allowance to their workmen employed in the Banks Branches located in the Territory of Goa, with effect from 1-7-77 is legal and justified? If not, to what relief are the workmen concerned entitled?"

2. The Local Secretaries, State Bank of India and Subsidiary Banks Employees' Union have filed a statement of claim on behalf of the workmen herein who are all employees of the State Bank of India working in its several branches within the union territory of Goa. Soon after the liberation of Goa from the Portuguese rule in 1962 State Bank of India stepped into that territory to carry on Banking operations. They started paying their employees an allowance known as Goa allowance at the rate of Rs. 150 per month for officers, Rs. 90 per month for Clerical and Cash Department Staff and Rs. 60 per month for the subordinate staff. This allowance because part of the Bipartite agreements entered into between the State Bank of India (for the sake of brevity hereinafter called the Bank or SBI) and the All India SBI Staff Federation dated 31-3-1967 and 31-12-1972. The payment of this allowance was subject to review by both the parties. The State Bank of India acting unilaterally decided to withdraw this allowance in four equal annual instalments commencing from 1-7-1977. The workmen complain that even if the bank is entitled to unilaterally withdraw the allowance they should have been taken into confidence and the reasons that prompted the Bank to withdraw disclosed. In the absence of any reasons justifying this unilateral action it is submitted that the action of the Bank should be held to be illegal and improper. While conceding that the Bipartite agreement dated 31-3-1967 is still in force the workmen dispute the right of the bank to withdraw the Goa Allowance without their consent. They further contend even if the Bank has such a right to unilaterally withdraw the allowance still they should have given a notice of change under Section 2(A) before withdrawing the said allowance. In the absence of such a notice the action of the bank cannot be upheld. While contending that it is the bank that should establish a case for the withdrawal of Goa Allowance the workmen submit that the living conditions in Goa far from changing for the better have justified the continuance of this allowance even beyond 1-7-1977. They call upon the bank to place before the Tribunal the periodical reviews made by them from 1967 till 1977 regarding the continuance of this allowance.

They further submit that unless the bank establishes that on account of a heavy financial set back they are unable to continue payment of this allowance they cannot proceed to withdraw the same. They say that the State Bank has not suffered any such financial incapacity justifying withdrawal of this allowance. They say that this unilateral withdrawal of this allowance is an emergency excess and that it should be corrected.

3. The Chief General Manager of the State Bank of India has filed a written statement stating that as per the terms of the Bipartite Settlements dated 31-3-1967 and 31-12-1972 they have got a vested right to periodically review the payment of Goa Allowance. The right of review implies the power to withdraw and in exercise of that power they have withdrawn that allowance. They say the Bank has vested right to unilaterally withdraw the allowance. It is submitted that the present demand is virtually for payment of this allowance. They submit that under para 15.2 of the Bipartite Settlement between the State Bank of India and the Federation dated 31-12-1972 the workmen are precluded from making any further demand on the Bank involving financial outlay except under emergent circumstances. The workmen not having raised such a demand in terms of Clause 15.2 of the Settlement the Bank submits that this demand of theirs is not tenable. They further submit that the Federation of which the State Bank of India and Subsidiary Banks 'Employees' Union is a member having accepted the position that the State Bank of India was competent to unilaterally discontinue payment of this allowance and in fact agreed to the phased manner in which that allowance should be withdrawn, the said agreement is binding on its affiliate namely, the Bank Employees' Union Goa. The Bank Employees' Union cannot be heard to disown the agreement entered into by the Federation with the Bank. They say that soon after the liberation in 1962 the Goa Allowance was paid to such of those members who were transferred to Goa from the branches outside the Union territory as a sort of a special inducement in view of the unsettled conditions prevailing there soon after the change-over. There was an influx of Indian Nationals from all parts of India for reasons of business or occupation making the living conditions there difficult. The Central Government also paid this allowance to its employees who went to serve in this Union territory on deputation. Since the passage of time and the integration of the territory into the main stream of the rest of the country the Bank felt that there was no longer any need to continue this allowance. The terms and conditions of service of the State Bank of India staff were revised from time to time following the industrywide Awards and the Settlements in the rest of the Banking industry. It was felt that it would be discriminatory to continue the Goa Allowance when conditions of work in the whole of the country were taken into account and reflected in the Bipartite Settlements. These considerations it is submitted prompted the Bank to discontinue this allowance with effect from 1-7-1977. They also take the stand that as the decision to withdraw the allowance is done in terms of the Settlement entered into between the Federation and the Bank there was no need to issue notice of change under Section 9(A) of the Industrial Disputes Act. They once again assert that they are the sole arbiters in the matter of the continuance of Goa Allowance. They also say that since the Bank is authorised to unilaterally withdraw this allowance the workmen cannot question the Bank's right to do so or ask the Bank to submit the reasons or justification that prompted it to do so. They say that the reasons that prompted the Bank to discontinue the allowance are not justiciable.

4. The Union filed a rejoinder to the Written Statement filed by the bank. They deny the Bank's assertion that the Federation conceded the Bank's right to unilaterally withdraw the allowance or the fact of the Federation having agreed to the Bank discontinuing the allowance in a phased manner. They further stated that this Goa Allowance was not only paid to the Bank staff posted to Goa from outside the Union territory but also to the employees of the former "Banco Nacional Ultramarino". This privilege was further extended to the members of the staff locally recruited after the date of liberation. They say that the justification for the grant of this special allowance in 1962 was a sudden spurt in the prices. This condition it is submitted still prevails. They say that the trend of fall in prices is not discernible in the near future. They submit that the price level in Goa has remained unusually high compared to other parts of the country as most of the consumer goods other than rice and coconuts

are to be imported from the rest of the country. The cost of transport in Goa is said to be much higher than in any other parts of the country. Goa being a tourist centre the heavy influx of the tourist population tends to push up the price level of all commodities. They dispute the statement made by the Bank that the grounds on which the allowance has been stopped are not justiciable.

5. The Bank filed a rejoinder to the claim statement filed by the workmen. The Bank denies the averment that the Goa allowance has been withdrawn without following proper procedure or without any justification. They say the burden of proving that the withdrawal of Goa Allowance is not justified is not on the Bank. According to them the party at whose instance this dispute is referred for adjudication has to prove its case namely that there is no justification for the withdrawal of this allowance. They say that no notice under Section 9(A) is necessary because there is no change or alteration in any condition of service. On the other hand they contend that the Bank has acted upon the very conditions of service. They say that their action in withdrawing the allowance is bona-fide. They deny the allegation that it is an Emergency excess.

6. On the above pleadings the following issues arise for consideration :

- (i) Whether the Bipartite Settlements dated 31-3-1967 and 31-12-1972 confer a right on the Bank of unilaterally withdraw the Goa Allowance ?
- (ii) Whether the Federation has conceded the right of the Bank to unilaterally withdraw the allowance and if so whether the State Bank Employees Union are bound by that concession ?
- (iii) Even if the bank has such a vested right whether there is any justification for the withdrawal of that allowance ?
- (iv) To what relief ?

For the Union W.W. 1 Mr. H. Cabral a teller of the Bank working at Servordem Branch is examined. Mr. Shroff for the Bank of India took over former 'Banco Nacional Ultramarino' of W.W.1 is not of much assistance for the disposal of this case.

Issue (i)

7. Soon after the liberation of Goa in 1962 the State Bank of India took over former 'Banco Nacional Ultramarino' and started Banking operations in that territory. In view of the unsettled conditions prevailing in that territory soon after the change in administration and the sudden influx of population from the rest of the country the living conditions in Goa became difficult. In order to induce members of their staff working outside the Union territory of Goa to serve in Goa the Bank had to offer some inducements in the shape of special allowance known as Goa allowance. It was Rs. 150 in the case of Officers. Rs. 90 per month for Clerical and Cash Department Staff and Rs. 60 per month for the subordinate staff. This allowance was extended to the members of the former 'Banco Nacional Ultramarino' right from 1962. In the year 1965 the benefit of this allowance was further extended to the locally recruited candidates also. The Bank continued to pay this allowance till 31-3-67 when this allowance was included as one of the conditions of service in the Bipartite Settlement arrived at between the State Bank of India Management and the All India SBI Staff Federation. Clause 5.16 of that Bipartite Settlement of 1967 reads as follows :

The allowances set out in the Annexure to this Chapter in respect of places and or posts stated therein shall continue to be paid subject to the terms and conditions and periodical review as at present.

In the annexure appearing at page 20 of that Settlement Items 5 deals with Goa allowance. Item 6 deals with Daman allowance and the said allowance in both the cases is subject to review half-yearly. In the Bipartite Settlement entered into on 31-12-1972 para 5.20 which deals with the subject reads exactly as para 5.16 of the 1967 agreement extracted above. Items 5 and 6 in the annexure at page 24 of the Settlement deal with the allowance payable to the Employees serving in Goa and Daman. While in the 1967 agreement this allowance was subject to half-yearly review in the 1972 Settlement it

was merely said "subject to review" without indicating the Periodicity of the review. It is common case that the term of these agreements has come to an end but they are not terminated thereafter in the manner prescribed under Section 19 of the Industrial Disputes Act. Both the parties agree that the terms of these Bipartite Settlements are still binding on them. While so, on 2-11-1976 the Bank issued a notice to the Secretary of All India SBI Staff Federation (hereinafter referred to as the Federation) informing them that in view of the settled conditions prevailing in Goa and the prices prevailing in that territory not being higher than the prices prevailing at other places, "they proposed to withdraw the payment of that allowance with effect from 1-12-1976. Further they added that this allowance would continue to be paid at Panaji on a temporary basis as at present and the matter would be reviewed some time in 1977. As the allowance was being paid on a review basis the same was proposed to be withdrawn with effect from the said date. After consulting the Federation regarding the mode and manner of withdrawal of this allowance, the Bank decided to phase it out in four equal annual instalments commencing from 1-7-1977. The first instalment of deduction was made with effect from 1-7-1977. The State Bank of India and Subsidiary Bank Employees Union, Goa questions the right of the Bank to unilaterally withdraw this allowance. According to them under para 5.20 of the Bipartite Settlement 1972, the Bank is obliged to obtain the consent of the Federation before deciding to withdraw the allowance. The Bank maintains that under para 5.20 they have got the absolute right to unilaterally review the continuance of the Goa Allowance. Under this issue it has to be seen whether the stand taken by the Bank is justified. Para 5.20 reads as follows:

The allowances set out in the Annexure to this Chapter in respect of places and or posts stated therein shall continue to be paid subject to the terms and conditions and periodical review as at present.

The contention of the Bank is that because the party paying the allowance under the above clause is the Bank the right to review the continuance of such payment should also solely vest in them. It is also argued that wherever the Bank was obliged to act with the consent of the other party it is clearly provided for in the Settlement. Reference is made to para 9 of Chapter 15 of 1972 Settlement which provides for such a contingency. There is absolutely no material, not even an averment to show that during these ten years when this Clause 5.16 (of 1967 agreement) and 5.20 (of 1972 agreement) were in force (i.e. from 1967 to 1977) the Bank has even attempted to exercise this right of review, without the consent of the Federation, to the detriment of the workmen. The quantum of allowance introduced in 1962 remained constant till the date it was decided to be withdrawn. It is not disputed by Shri Gadkari for the Union that the right of review implies the right to withdraw the allowance altogether. The only point in controversy is whether para 5.20 confers a right upon the Bank to withdraw the allowance at its sole discretion without any reference whatsoever to the Federation. Mr. Gadkari for the Union argues that if the payment of Goa Allowance had not been made a service condition in the Bipartite Settlement the Bank would have been obliged to issue a notice under Section 9(A) of the Industrial Disputes Act before proceeding to stop payment of that allowance. He says the employees would not have agreed to place themselves in a worse position by this Goa Allowance being incorporated as a condition of service in the Bipartite Settlement. It is also argued that when the representatives of the Management and the Labour met as equal partners to draft the terms of Settlement in 1967 and again in 1972 it is most inconceivable, that the Labour should have absolutely abdicated its power to have a say in the matter of altering the term relating to continuance of payment of Goa Allowance to the detriment of the workmen and left it to the sole discretion of the Bank. On a very careful reading of para 5.20 I am not in a position to agree that under it the right of review is solely vested in the Bank without reference to the Federation. In the absence of words unambiguously indicating that the right to withdraw the allowance solely vests in the bank, the construction sought to be placed on para 5.20 of the Settlement by Shri Shroff cannot be accepted.

8. Reference is also made to certain passages in Maxwell's on interpretation of Statutes, 12th edition, at pages 36, 39 and 47 and carries on Statute Law at page 105 for the purpose of

showing as to how para 5.20 has to be interpreted and understood. It is said that if para 5.20 is to be interpreted as meaning that the right of review contemplated in that para should be by both the parties as contended by the Union it would render a term of the settlement otiose or redundant. I do not see how the construction put upon by the Union on para 5.20 renders the term of the settlement otiose or redundant. As already stated to accept the Bank's contention that the right of review solely vests in it, some more words may have to be supplied to make that meaning clear.

9. Issue (i) accordingly answered against the Bank.

Issue (ii):

10. Shri Shroff argues that the Federation itself conceded the fact that the right of review of this Goa Allowance is vested solely in the Bank. He invites attention to the letter dated 24-3-1977 addressed by the Secretary of the Federation to the Chief Officer (Personnel). Reliance is placed upon the following passage in this letter in support of this argument:

".....We concede that it is nobody's case that an allowance, once granted, cannot ever be withdrawn—particularly those which are granted to meet some emergent situation—but the least the management is expected to do in such cases is to bring about a document showing the circumstances which warranted payment of the allowance and the material changes in the current situation which postulate discontinuance thereof."

A reading of the entire letter shows that the Federation has not conceded this right of the Bank. In the next few lines immediately thereafter the Secretary of the Federation says that:

"We firmly hold that the Management should not arrogate to itself an absolute liberty to unilaterally reduce the wages of the employees without discharging its rudimentary obligations to present a bona fide case."

He also suggested that the decision to withdraw the allowance should be included as an item for discussion at the next Bipartite meeting and meanwhile the decision to withdraw the allowance deferred. Even from para 1 of this letter it appears that the Bank originally intended to place this proposal to withdraw the allowance at the Bipartite meeting held in November, 1976. However, this item was withdrawn from the Agenda by the management saying that this question was still under consideration and if ultimately they decided to withdraw the allowance the matter would be "formally" discussed with the Federation before effecting any change. Again reliance is placed on the letter addressed by the Secretary of the Federation to the Bank on 11-8-1977 to show that the Union never disputed the Bank's right to act unilaterally in withholding the allowance. It is argued on the basis of this letter that the Federation had agreed to the Bank withdrawing the allowance, unilaterally. In its letter the Federation states that the question of withdrawal of Goa Allowance by stages was decided upon "in a particular context and within certain constraints". It is said that the management informed the Federation that they were helpless in the matter of withdrawing payment of Goa Allowance in view of the stand taken by the Indian Banks Association of which the State Bank of India was a member. The Bank stated that the withdrawal of the allowance was therefore not open for negotiation but only the mode and manner of withdrawal could be negotiated. In the circumstances, the Federation had to remain content with requesting the Bank to mitigate the rigour of their action by phasing out the allowance in stages". I am unable to agree with the contention that the Secretary of the Federation in his letters dated 24-3-1977 and 11-8-1977 conceded the Bank's sole right to withdraw this allowance at their discretion. Nor did he without demur agreed to the Bank withdrawing the allowance by stages.

11. Shri Gadkari does not dispute the fact that if the Federation in fact conceded the Bank's right to withdraw this allowance acting in their discretion, it may not be open to the Goa unit of that Federation to challenge its action. Since no such concession appears to have been made in the letters relied upon by the learned counsel for the Bank this question does not arise. Issue (ii) held accordingly.

Issue (iii)

12. The order of reference requires this Court to answer the question whether the withdrawal of Goa allowance is legal and justified. Even if the Bank has got an overriding authority to withdraw the allowance without reference to the Union still they have got to show that the action taken by them is justified. If there is no justification the action of the Bank though legal should be characterised as unjustified. In para 4 of the statement of claim the Union says that as per the terms of the reference it is for the Bank to show that their action in withdrawing this allowance is justified. It is also stated that the grounds that prompted the Bank to withdraw the allowance are within the special knowledge of the Bank and therefore they should disclose the said information in justification of their action. The Bank in para 4 of its written statement stated that the Federation having agreed to the manner of phasing the discontinuance of the allowance it is not open to the workmen herein to question the Bank's right to discontinue payment of that allowance or to ask the Bank to disclose the reasons or justification for such discontinuance. It is further submitted that the reasons that weighed with the Bank to discontinue the allowance are not justiciable. In para 4 of the rejoinder the Bank took the stand that since this dispute has been referred to adjudication at the instance of the workmen they say that as per settled law it is upto the workmen who have invoked the Jurisdiction of the Court to justify the exercise of that Court's jurisdiction.

13. Neither party has adduced any evidence on the question whether the withdrawal of the Goa Allowance is justified. In the absence of such evidence Shri Shroff submits that since the workmen have failed to discharge the initial burden resting on them this issue should be answered against them. I do not agree. The Bank which was paying this Goa allowance from 1962 till June, 1977 had chosen to stop that payment with effect from 1-7-1977. The reasons that prompted the Bank to take such an action are within their special knowledge and it is up to them to justify their action by placing all the relevant facts before the Court. It is not for the workmen to lead evidence to say that there was no justification for such withdrawal of the allowance. Some reasons are given in para 4 of the Bank's rejoinder justifying the withdrawal of the allowance but there should be some evidence in support of this plea. On the side of the workmen a photostat copy of the consumer price index number for Industrial workers (Labour Class) in Goa for 1971 June to July, 1976 is filed. This shows that there is a steady upward rise in the general index, food index, Pansupari, Tobacco and Intoxicants index, fuel and light index and clothing, bedding and footwear index from 1971 to 1976. The source of this information is said to be the Labour Bureau, Simla. This index is confined to Goa region only. There is nothing to show that while the prices in the rest of the country were remaining steady or rising less rapidly the prices in Goa were soaring high. In the absence of such comparative information this consumer price index is not of much value. I hold that the initial burden of proving the existence of circumstances justifying the withdrawal of

the allowance is on the Bank. This question is of academic importance only in view of the finding on Issue (i). Issue (iii) found accordingly.

14. The plea that the withdrawal of the Goa allowance is an emergency excess is not pressed.

15. Before concluding it must be stated that Shri Shroff for the Bank has addressed arguments on the following points:

- Whether the discontinuation of Goa allowance was in the exercise of or pursuant to the Bank's vested right to withdraw the allowance unilaterally under the **settlement dated 31st December, 1972?**
- Whether the Order of Reference dated 20th March, 1978 is bad in law as no notice of termination of the settlement dated 31st December, 1972 has been given in accordance with section 19 of the Industrial Disputes Act, 1947 read with clause 15.3 of the settlement dated 31st December, 1972?
- Whether the effect of granting the Union's demand is to violate the provisions of clause 15.2 of the settlement dated 31st December, 1972?
- Whether the All India State Bank of India Staff Federation which is a party to the settlement dated 31st December, 1972 and to which Federation the Union of the workmen espousing the present dispute is affiliated, having accepted and agreed and/or not questioned the Bank's right to discontinue payment of Goa allowance in a phased manner in four equal instalments, the workmen and/or the Union are estopped and/or precluded from raising the above dispute.
- Whether the Union's case of victimisation and/or mala fides has been adequately pleaded and/or proved?

16. Point (a) is covered by issue (i). Point (d) is conceded by Shri Gadkar for the Union. He says that if there is material to show that the Federation has in fact conceded the Bank's right to discontinue the allowance without reference to it and has in fact agreed to the action taken by the Bank, the Union is bound by it. I consider it unnecessary to discuss issues (ii), (iii) and (v) since they do not arise in view of my finding on issue (i).

Issue (iv)

17. In the result it is held that the action of the Management of the State Bank of India in discontinuing the payment of Goa allowance to their workmen employed in the Bank's Branch located in the Territory of Goa with effect from 1-7-1977 is not legal or justified. It follows that the workmen are entitled to be paid this allowance even beyond 1-7-1977 till such time as it is withdrawn legally and for justifiable reasons.

This Reference is accordingly answered.

P. RAMAKRISHNA, Presiding Officer
[No. L-12011/49/77-D.II.A]

APPENDIX OF EVIDENCE IN REFERENCE NO. CGIT-2/2 of 1978

For The Workmen
ORAL EVIDENCE

S. No.	Name of witness	Exhibit No.
1.	Shri H. Cabral	WW-1
	Documentary evidence	
	Nil	
	For The Employers	
	ORAL EVIDENCE- Nil	
	Documentary Evidence	
1.	Printed copy of settlement dated 31-12-72 between the Bank and its workmen.	Ex. E-1
2.	Printed copy of settlement dated 31-3-1967 between the Bank and its workmen.	E-2
3.	Office copy of the Bank's letter dated 1-11-1976 addressed to the All India State Bank Officers' Federation.	E-3
4.	Office copy of the Bank's letter dated 2-11-76 addressed to the All India State Bank of India Staff Federation.	E-4
5.	Original letter dated 24-3-1977 addressed to the Bank by the All India State Bank of India Staff Federation.	E-5
6.	Office copy of Bank's letter dated 15-4-1977 addressed to the All India State Bank of India Staff Federation.	E-6
7.	Office copy of Bank's letter dated 13-6-1977 addressed to the All India State Bank of India Staff Federation.	E-7

8. Office copy of Bank's letter dated 29-7-1977 addressed to the All India State Bank of India Staff Federation. . E-8
9. Original letter dated 11-8-1977 addressed to the Bank by the All India State Bank of India Staff Federation. . E-9
10. Original letter dated 15-2-1977 addressed to the Chief General Manager by the Deputy Managing Director of the Bank together with its enclosures. . E-10
11. Copy of notice of phased withdrawal of Goa Allowance E-11
12. Original letter dated 13-6-1977 addressed to the Chief General Manager by Dy. Managing Director E-12
13. Copy of letter dated 13-6-1977 addressed to the Secretary, All India State Bank of India Staff Federation, Calcutta by the Chief Officer (Personnel). E-13

S.O. 2083.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of Vijaya Bank Limited, Bombay and Shri Sadashiv S. Shetty, Clerk over transfer from Bandra Branch to Dombivli Branch of the Bank, which was received by the Central Government on the 28-5-79.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
Reference No. CGIT-2/1 of 1979

PARTIES :

Employers in relation to the Management of Vijaya Bank Limited, Bombay.

AND

Their workman Shri Sadashiv S. Shetty.

APPEARANCES :

For the Employers.—Shri C. V. Pawaskar, Labour Adviser.

For the Workman.—Shri S. M. Dharap, Advocate.

Industry : Banking

State : Maharashtra

Bombay, the 8th May, 1979.

AWARD

1. The Government of India, in the Ministry of Labour in exercise of the powers conferred upon them under Section 10(1)(d) of the Industrial Disputes Act (14 of 1947) as per their order No. L-12012/102/78-DIIA dated 23-1-1979 have referred the following industrial dispute for adjudication:

“Whether the proposed action of the management of Vijaya Bank Limited, Bombay in transferring Shri Sadashiv S. Shetty, Clerk from Bandra Branch to Dombivli Branch of the Bank is justified? If not to what relief is the workman concerned entitled?”

2. The Vice-President of the Vijaya Bank Employees' Association has filed a statement of claim on behalf of Shri Sadashiv S. Shetty. He says that Shri Sadashiv S. Shetty (hereinafter referred to as the workman) a Clerk in the Vijaya Bank was working in its Bandra branch in July, 1978. As the workman happened to be an active member of the Employees' Association the Branch Manager was ill-disposed towards him. In order to curb the trade Union activities of the workman the Branch Manager persuaded the Personnel Manager, Bangalore, to reduce the strength of the Bandra staff by two clerical posts. Consequent upon this order of reduction in staff he transferred the workman to Dombivli Branch though there were other persons junior to him at the Bandra Branch. This order was issued when the workman was on sick leave. After the expiry of the leave the workman reported himself for duty at Bandra but the Manager refused to permit him to do so. It is also complained that the workman has not been paid his legitimate dues such as leave salary other benefits till the date of the claim statement namely, 23-3-1979. It is further submitted that the transfer to Dombivli Branch will work out a great hardship on the workman herein, his place of residence being Vile Parle. It is also stated that the transfer of the workman to Dombivli Branch is against the provisions of the Shastri Award. It is prayed that this Tribunal may hold the transfer of the workman from Bandra Branch to Dombivli Branch as illegal, mala fide and that the Bank may be directed to recall the said order of transfer.

3. The Management filed a written statement taking the plea that this reference is not maintainable for the reason that no demand for cancellation of the order of transfer was ever made before the management either by the workman or by the Union prior to the date of reference. They also take the plea that the Union is not competent to take up the cause of the workman. They say that the reduction of staff at Dombivli Branch and the subsequent transfer of the workman from Bandra to Dombivli Branch are justified. It is submitted the five persons junior to the workman herein could not be transferred to Dombivli because they were clerks on probation. As Dombivli Branch required an experienced Clerk the workman herein had to be shifted. When the Bank sought to serve the order of transfer he refused to accept the same whereupon he was transferred to Dombivli Branch with immediate effect. They pray that this reference may be rejected.

4. On 23-3-1979 on behalf of the workman an Interlocutory Application was filed praying the Court to grant an Interim Order suspending the order of transfer of the workman from Bandra to Dombivli Branch, and to allow him to resume his duty at Bandra. The matter was posted to 17-4-1979 for the Management's reply to this I.A. The matter was adjourned to 26-4-1979 for settlement. On 26-4-1979 the Court suggested that the parties should settle the dispute amicably by the Bank agreeing to transfer the workman from Dombivli Branch to any other Branch nearer his place of residence on the workman agreeing to report himself for duty at Dombivli Branch and working there for a period of three months. Both the parties took time till 3-5-1979 to consider the proposal put forward by the Court. On 3-5-1979 the learned Advocate for the Bank submitted that the Bank would consider the question of shifting the workman from Dombivli Branch to any other Branch nearer his place of residence provided he served at Dombivli Branch for a period of six months. This proposal the workman was not prepared to accept. The Court then requested the learned Advocate for the Bank to suggest to the higher authorities at Bangalore to reconsider their decision. On 9-5-1979 the learned Advocate for the Bank submitted that the Bank was agreeable to transfer the workman from Dombivli on his serving there for a period of three months. Shri Dharap for the workman accepted the proposal.

5. The terms of this amicable settlement of dispute are reduced to writing and signed by both the parties. On behalf of the workman the Vice President of the Vijaya Bank Employees' Association signed the memo of settlement along with the workman. On behalf of the Bank Shri S. C. Paul, Regional Manager, Bombay has appended his signature. Both the parties admitted the terms of settlement and requested the Court to pass an Award in terms thereof.

6. This reference is accordingly answered in terms of the settlement entered into between the parties on 9-5-1979. A copy of the settlement annexed hereto may be read as part of this Award.

A.R.D./16-5-1979.

P. RAMAKRISHNA, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL COURT NO. II, AT BOMBAY

Reference No. CGIT-2/1 of 1979

BETWEEN

Employers in relation to the Management of Vijaya Bank Limited, Bombay

AND

Their workman.

MAY IT PLEASE THE HONOURABLE TRIBUNAL

The parties above named, have reached the following settlement in the above-mentioned matter and pray that an award be made in terms thereof.

Terms of Settlement

It is agreed between the parties as under :—

1. That the order of transfer dated 2-11-78 transferring Shri Sadashiv S. Shetty (hereinafter referred to as the "workman") to the Dombivli branch, due to exigencies of work, shall stand.
2. That the workman shall report for work at the Dombivli branch not later than 23-5-79.
3. That in view of the difficulties explained by the workman, as a special case, the management agrees to transfer him to any one of its Branches at Bombay within 90 days from the date of his joining at Dombivli branch.
4. That this arrangement shall not be cited as a precedent in future in any manner.
5. That in consideration of the settlement, all proceedings in relation to transfer shall stand concluded.

For the workman For the Vijaya Bank Limited,

Sd/-

Sd/-

Vice-President
V.B.E.A.

(S. C. Paul)

(Bombay)

Sd/-

(Sadashiv Shetty)

BOMBAY :

Dated : 9-5-79.

[No. I-12012/102/78-D. II A.]

New Delhi, the 6th June, 1979

S.O. 2084.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in respect of complaint under section 33A of the said Act filed by Shri Sadashiv S. Reddy against Vijaya Bank Ltd., which was received by the Central Government on the 28th May, 1979.

BEFORE THE CENTRAL GOVERNMENT LABOUR

COURT NO. 2, BOMBAY

Complaint No. CGIT-2/1 of 1979

Arising out of Reference No. CGIT-2/1 of 1979

PARTIES :

Shri Sadashiv S. Shetty—Complainant.

V/s.

M/s. Vijaya Bank Limited—Respondent.

APPEARANCES :

For the Complainant—Shri S. M. Dharap, Advocate.

For the Respondent—Shri C. V. Pavaskar, Labour Adviser.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 9th May, 1979

AWARD

1. This is complaint under Section 33A of the Industrial Disputes Act (14 of 1947) praying the Court to direct the Respondent Bank to sanction leave due to the complainant as prayed for by him in his application dated 1-1-1979, to direct the Respondent Bank to maintain the status quo ante and to allow the complainant to resume duty at Pandra Branch, to direct the Bank to pay the complainant his salary from the month of November, 1978 till the date of his joining duty at Bandra Branch and to treat the complainant as having been on duty from 1-2-1979 etc.

This complaint arises out of Reference No. 1 of 1979.

2. The complainant and the Vice-President of the Vijaya Bank Employees' Association filed a memo on 9-5-1979 stating that in view of the settlement reached between the parties in Reference No. CGIT-2/1 of 1979 this complaint is not being pressed and that the same may be disposed of accordingly.

In the result this complaint is dismissed as having been withdr. wn.

P. RAMAKRISHNA, Presiding Officer

[No. L-12012/102/78-D. II.A.]

S. K. MUKERJEE, Under Secy.

Dated : 16-5-1979.

आदेश

नई दिल्ली 23 मई, 1979

का० प्रा० 2085.—इससे उपाबद्ध अनुसूची में विनिर्दिष्ट औद्योगिक विवाद श्री सी० एल० नरसिंहा राव, पीठासीन अधिकारी, औद्योगिक अधिकरण, हैदराबाद के समक्ष लंबित पड़े हैं ;

और श्री सी० एल० नरसिंहा राव की सेवाएं अब उपलब्ध नहीं हैं ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33-ख की उप-धारा (i) के माध्यम से धारा 7 क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री जी० सदाशिव रेड्डी होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त श्री सी० एल० नरसिंहा राव, पीठासीन अधिकारी, औद्योगिक अधिकरण, हैदराबाद, के समक्ष लंबित उक्त विवाद से संबंधित कार्य-बाही को वापस लेनी है और उसे श्री जी० सदाशिव रेड्डी, पीठासीन अधिकारी, औद्योगिक अधिकरण, हैदराबाद को इस निर्देश के माध्यम से स्थानांतरित करती है कि उक्त अधिकरण आगे कार्यवाही उक्त प्रकृत से करेगा, जिस पर वह उसे स्थानांतरित की जाए तथा विधि के अनुसार उसका निपटारा करेगा ।

अनुसूची

केन्द्रीय सरकार के औद्योगिक विवादों और सम्बन्धित पक्षों हैं

क्रमांक	औद्योगिक विवाद में	आदेश संख्या और तारीख	पक्षकारों के नाम
1	2	3	4
1.	19/77	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-42011 (18)/76-डी०-2 (बी) दिनांक 8-8-1976	भारतीय खाद्य निगम, विशाखापत्तनम के कर्मकार और प्रबन्धन
2.	26/77	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-29011/50/76-डी०-4 (बी०) दिनांक 23-11-1977	मैसर्स एसोसिएटेड सीमेंट कंपनी लि०, मनचेरियल (प्रदीलाबाद जिला) के कर्मकार और प्रबंधन
3.	4/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-28012/2/77-डी०-3 (बी०), दिनांक 2-2-1978	कल्याण रामा माइका माइन, कालिचेडू, जिला नेल्लूर के कर्मकार और प्रबंधन
4.	7/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-28012/4/77-डी०-3 (बी०), दिनांक 21-2-1978	श्री कल्याण राम अन्नक खान, कालिचेडू रापर ताल्लुक नेल्लूर जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
5.	8/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21011/1/77-डी० 4 (बी), दिनांक 20-3-1978	सिंगरेनी कोलियरीज कंपनी लि०, रामाकृष्णपुर डिवीजन, प्रदीलाबाद जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
6.	10/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-29012/28/77-डी० 3 (बी), दिनांक 2-5-1978	श्री कोवनडमा बैरी माइन, शंवरम, ग्राम विन्नामूर, शाकशाना अदयगिरी ताल्लुक, नेल्लूर के कर्मकार और प्रबंधन
7.	11/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-11011/3/75-डी० 2 (बी) दिनांक 5-5-1978	इंडियन एयरलाइन्स, हैदराबाद के कर्मकार और प्रबंधन
8.	14/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-43011/4/77-डी० 3 (बी) दिनांक 3-6-1978	अग्निगुडाला कापर लैंड प्रोजेक्ट, बन्डालामोडू, जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
9.	15/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-43011/17/77-डी०-2 (बी), दिनांक 31-5-1978	भारतीय खाद्य निगम की माइनी राइस मिल, सेतनापाली के कर्मकार और प्रबंधन
10.	16/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-43012/7/77-डी० 3 (बी), दिनांक 1-6-1978	अग्निगुडाला कापर लैंड प्रोजेक्ट, बन्डालामोडू, गुन्टूर जिला के कर्मकार और प्रबंधन
11.	17/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-28011/4/76-डी०-4 (बी)/ डी०-3 (बी) दिनांक 31-5-1978	श्री कल्याण रामा माइका माइन, कालिचेडू, नेल्लूर जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
12.	18/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/1/78-डी० 4 (बी) दिनांक 12-7-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर-जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
13.	20/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/2/78-डी० 4 (बी), दिनांक 17-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर, जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
14.	21/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/3/78-डी०-4 (बी), दिनांक 21-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी; करीमनगर, जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधन
15.	22/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/4/78-डी०-4 (बी) दिनांक 18-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी; करीमनगर जिला के कर्मकार और प्रबंधन
16.	23/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/5/78-डी० 4 (बी) दिनांक 19-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर जिला के कर्मकार और प्रबंधन
17.	24/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/7/78-डी०-4 (बी) दिनांक 19-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीमनगर जिला के कर्मकार और प्रबंधन
18.	25/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/8/78-डी०-4 (बी) दिनांक 23-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, येनेयू डिवीजन, खेसाम जिला के कर्मकार और प्रबंधन
19.	26/78	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/6/78-डी०-4 (बी) दिनांक 31-8-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर जिला के कर्मकार और प्रबंधन
20.	29/79	श्रम, रोजगार और पुनर्वासि मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/13/78-डी० 4 (बी) दिनांक 13-9-1978	सिंगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर, जिला के कर्मकार और प्रबंधन

1	2	3	4
21.	30/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश सं० एल०-21012/14/78-डी०-4 (बी) दिनांक 13-9-1978	सिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी करीम नगर जिला के कर्मकार और प्रबंधक
22.	31/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली, का आदेश संख्या एल०-21012/2/77-डी०-4 (बी), दिनांक 3-6-1978 और आदेश संख्या एल०-11025/2/78-डी०-4 (बी) दिनांक 18-9-1978	सिगरेनी कोलियरीज कंपनी लि० येलेन्नु कोलियरीज खमाम जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधक
23.	18/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या -23/28/70 एल० आर०-3 दिनांक 3-1-1971	आन्ध्र बैंक लिमिटेड, हैदराबाद के कर्मकार और प्रबंधक (आन्ध्र प्रदेश के उच्च न्यायालय द्वारा रिमांड दी गई)
24.	33/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/12/78-डी० 4 (बी) दिनांक 9-10-1978	सिगरेनी कोलियरीज कंपनी लि० गोदावरी खानी, रामागुंडम डिवीजन 1, करीमनगर जिला के कर्मकार और प्रबंधक
25.	34/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/16/78-डी०-4 (बी) दिनांक 20-10-1978	सिगरेनी कोलियरीज कंपनी लि०, शांति खानी बेलम-पल्ली डिवीजन-11, अदीलाबाद जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधक
26.	35/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/17/78-डी०-4 (बी) दिनांक 20-10-1978	सिगरेनी कोलियरीज कंपनी लि०, येलेन्नु कोलियरी, खमाम जिला, येलेन्नु (आन्ध्र प्रदेश) के कर्मकार और प्रबंधक
27.	36/78	श्रम रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/15/78-डी० 4 (बी) दिनांक 19-10-1978	सिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी रामागुंडम डिवीजन 11, गोदावरी खानी के कर्मकार और प्रबंधक
28.	37/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-21012/18/78-डी०-4 (बी) दिनांक 28-10-1978	मैक्स सिगरेनी कोलियरीज कंपनी लि० बेलमपल्ली डिवीजन-1, बोईपल्ली माइन अदीलाबाद जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबंधक
29.	41/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-12012/39/78-डी०-2 (ए) दिनांक 4-12-1978	भारतीय स्टेट बैंक, हैदराबाद के कर्मकार और प्रबंधक
30.	42/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-29011/21/78-डी०-3 (बी) दिनांक 13-12-1978	जे.गुरुदास कंकर बवारी, जे.गुरुदे के कर्मकार और उनके निधोजक
31.	1/79	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 34019/7/78-डी०-4 (ए) दिनांक 10-1-1979	विशाखापत्तनम पोर्ट ट्रस्ट, विशाखापत्तनम के कर्मकार और प्रबंधक
32.	2/79	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल०-34011/11/78-डी०-4 (ए) दिनांक 8-2-1979	विशाखापत्तनम पोर्ट ट्रस्ट, विशाखापत्तनम के कर्मकार और प्रबंधक

केन्द्रीय सरकार की विविध याचिकाएं जो अनिर्णीत पड़ी हैं

1. आई० डी० 26/77 में एम० पी० 49/78	श्री सूर्यकांत तोखी (यूकमिड इण्डिया) डी० आ० 3 (बी) । बनाम एसोसिएटेड सीमेंट कंपनी. मन्चेरियल, अदीलाबाद जिला (आन्ध्र प्रदेश) का प्रबंधक ।
2. आई० डी० 37/78 में एम० पी० 200/78	श्री के० नरसिम्हा राव, जनरल मजदूर, सिगरेनी कोलियरीज कंपनी लि० डी-4 (बी) बनाम सिगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली डिवीजन, अदीलाबाद जिला, का प्रबंधक ।
3. आई० डी० 37/78 में एम० पी० 201/78	श्री बी० सम्पत कुमार, अस्थायी टनल मजदूर, सिगरेनी कोलियरीज, कंपनी लिमिटेड, डी-4 (बी) । बनाम सिगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली डिवीजन, अदीलाबाद जिला का प्रबंधक ।
4. आई० डी० 37/78 में एम० पी० 202/78	श्री ई० एल० एन० एम० प्रसाद, जनरल मजदूर, सिगरेनी कोलियरीज कंपनी, लि० डी-4 (बी) । बनाम सिगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली डिवीजन, अदीलाबाद जिला का प्रबंधक ।
5. आई० डी० 37/78 में एम० पी० 203/78	श्री के० विजय कुमार, जनरल मजदूर, सिगरेनी कोलियरीज कंपनी लि० डी-4 (बी) । बनाम सिगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली डिवीजन, अदीलाबाद जिला का प्रबंधक ।
6. आई० डी० 37/78 में एम० पी० 2/79	मुहम्मद इक़्बाल कुरेशी, अस्थायी टनल मजदूर, सिगरेनी कोलियरीज कंपनी लि० डी-4 (बी) । बनाम सिगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली, डिवीजन, अदीलाबाद जिला का प्रबंधक ।
7. आई० डी० 37/78 में एम० पी० 3/79 एम० पी० 3/79	मुहम्मद नबीमुद्दीन अस्थायी टनल मजदूर, सिगरेनी कोलियरीज कंपनी लि० डी-4 (बी) । बनाम सिगरेनी कोलियरीज कंपनी लि०, बेलमपल्ली डिवीजन, अदीलाबाद जिला का प्रबंधक ।

1	2	3	4
8	आई० डी० 42/78 में एम० पी० 11/79	चेन्नुरु लक्ष्म कंकर बरारी चेन्नुरु के कर्मकार डी० ओ० बनाम -3(बी)।	उनके नियोजक
9.	आई० डी० 19/77 में एम० पी० 14/79	श्री पी० एम० नायडू अश्वत्थ पोर्ट बरारा वृत्तिरा, वनाम विशाखापत्तनम डी० ओ० 2(बी)।	भारतीय खाद्य निगम, विशाखापत्तनम का प्रबंध-सूत्र।

[फा० संख्या एस-11025/1/79-डी 4(बी)]

शशि सूषण, डेस्क अधिकारी

ORDER

New Delhi, the 23rd May, 1979

S.O 2085.—Whereas, the industrial disputes specified in the Schedule hereto annexed are pending before Shri C.L. Narasimha Rao the Presiding Officer, Industrial Tribunal, Hyderabad;

And, Whereas, the services of Shri C.L. Narasimha Rao are no longer available;

Now, Therefore, in exercise of the powers conferred by Section 7A read with sub-section(i) of the Section 33B of the Industrial Disputes act, 1947 (14 of 1947), the Central Government hereby constitutes a Tribunal, the Presiding Officer of which shall be Shri G. Sadasiva Reddy, with Headquarters at Hyderabad and withdraw the proceedings in relation to the said disputes pending before the said Shri C.L. Narasimha Rao, Presiding Officer, Industrial Tribunal, Hyderabad with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Central Government's Industrial Disputes Pending

Sl. No.	I.D. No.	No. and date of the order	Name of the parties
1	2	3	4
(1)	19/77	Order No. L -42011(18)/76 D. II (B), dt 8-8-76 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the management of Food Corporation of India, Visakhapatnam.
(2)	26/77	Order No. L -29011/50/76- D. IV (B) Dt. 23-11-77 from Ministry of Labour Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of M/s. Associated Cement Companies Ltd., Mancherial (Adilabad Distt.).
(3)	4/78	Order No. L -28012/2/77- D. III(B) dt 2-2-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Kalyana Rama Mica Mine, Kalichedu, Dt. Nellore.
(4)	7/78	Order No. L -28012/4/77-D. III(B) dt. 21-2-78 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Sri Kalyana Rama Mica Mine, Kalichedu, Rapur Taluq, Nellore Distt. Andhra Pradesh.
(5)	8/78	Order F. No. L—21011/1/77-D. IV (B) dt. 20-3-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Company Limited, Ramakrishnapur Division Adilabad Dist. (A.P).
(6)	10/78	Order No. L -29012/28/77 -D. III(B) dt 2-5-78 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Sri Kodandarma Barytes Mine, Shankhavaram Village, Vinjamur, P.O. Udayagiri Taluq, Nellore.
(7)	11/78	Order No. L—11011 (3)/75. D.-II (B) dt 5-5-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Indian Airlines, Hyderabad.
(8)	14/78	Order No. L -43011/4/77. D. III (B) dt 3-6-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Agnigundala Copper Lead Project, Bandalamottu, Guntur District (A.P.)

(1)	(2)	(3)	(4)
(9)	15/78	Order No. L.—42011/4/77-D. II(B) dt. 31-5-78 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Modern Rice Mill of the Food Corporation of India, Settanapalli
(10)	16/78	Order No. L.—43012/7/77. D.—III(B) dt. 1-6-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Agnigundala Copper Lead Project, Bandalamottu, Guntur, District
(11)	17/78	Order No. L.—28011/4/76. D—IV(B) D—III (B) dt. 31-5-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Sree Kalayana Rana Mica Mine, Kalichedu, Nellore District (A.P.)
(12)	18/78	Order F. No. L—21012(1)/78 D.—IV (B) dt. 12-7-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Singareni Collieries Co. Ltd., Godavarikhani Karimnagar, Distt. (A.P.)
(13)	20/78	Order F. No. L—21012(2)/78 D.—IV(B) dt 17-8-78 from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen & the Management of Singareni Collieries Co., Ltd., Godavarikhani, Karimnagar, Dist. (A.P.)
(14)	21/78	Order No. L.—21012/3/78 D—IV(B) dt. 21-8-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co., Ltd., Godavarikhani, Karimnagar Dist. (A.P.)
(15)	22/78	Order F. No. L—21012(4)/78—D. IV (B) dt. 18-8-78, from Ministry of Labour Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavarikhani, Karimnagar Dist.
(16)	23/78	Order F. No. L—21012/5/78—D.—IV (B) dt. 19-8-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavarikhani Karim nagar District.
(17)	24/78	Order F.No. L—21012/7/78—D.IV(B) dt. 19-8-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavali-Khani, Karimnagar, Distt.
(18)	25/78	Order F. No. L—21012(8)/78—D. IV(B) dt. 23-8-78, from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Yellandu Division Khammam District.
(19)	26/78	Order F.No. L.—21012(6)/78 D.IV(B) dt. 31-8-78 from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Company Ltd., Godavari Khani, Karimnagar Dist.
(20)	29/78	Order F.No. L—21012(13)/78. D—IV (B) dt. 13-9-78, from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavari Khani Karimnagar District.
(21)	30/78	Order F. No. L—21012(14)/78.D.IV(B) dt. 13-9-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavari-Khani, Karim nagar Dist.
(22)	31/78	Order L—21012(2)/77D.IV(B) dt. 3-6-78 and Order No. S.11025(2)/78—D. IV(B)dt. 18-9-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Company Limited Yellandu, Collieries Khammam Dist. (A.P.).
(23)	18/71	Order (No. 23/28/70/LR.III) dt. 3-1-71, from Ministry of Labor Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Andhra Bank Limited Hyderabad. (Remanded by High Court of Andhra Pradesh).
(24)	33/78	Order F.No. L—21012(12)/78. D—IV (B) 9-10-78, from Ministry of Labour, Employment and Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavari Khani, Ramagundam Div. I, Karimnagar District.

(1)	(2)	(3)	(4)
(25)	34/78	Order No. L.—21012(16)/78. D. IV(B) dt. 20-10-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Shanti Khani, Bellampalli Div. II, Adilabad District (A.P.)
(26)	35/78	Order F. No. L.—21012(17)/78—D. IV(B) dt. 20-10-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Yellandu Colliery, Khanamam District, Yellandu (A.P.)
(27)	36/78	Order No. F. No. L.—21012(15)/78. D. IV(B) dt. 19-10-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Singareni Collieries Co. Ltd., Godavari Khani Ramagundam Division, II Godavari Khani.
(28)	37/78	Order F. No. L.—21012(18)/78. D. IV(B) dt. 28-10-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen & the Management of M/s. Singareni Collieries Co. Ltd., Bellampalli Division. I Bellampalli Mine Adilabad District (A.P.)
(29)	41/78	Order No. L. 12012/39/78. D. II(A) dt. 4-12-78, from Ministry of Labour, Employment & Rehabilitation, Government of India New Delhi.	Workmen and the Management of State Bank of India, Hyderabad
(30)	42/78	Order No. L. 19011/21/78. D. III(B) dt. 13-12-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen of Chevuturu Lime Kankar Quarry Chevuturu and their employers.
(31)	1/79	Order No. L. 34001(7)/78-D. IV(A) dt. 10-1-79 from, Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Visakhapatnam Port Trust Visakhapatnam.
(32)	2/79	Order No. L. 34011(11)/78. D. IV(A) dt. 8-2-79, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Visakhapatnam Port Trust, Visakhapatnam.

Central Government's Miscellaneous Petitions

Pending

(1)	M.P. 49/78 in I.D. 26/77	Sri Suryakanth Torvi (Euclid Driver) Vs. D.O. III(B)	The Management of Associated Cement Companies, Mancherla, Adilabad District (A.P.)
(2)	M.P. 200/78 in I.D. 37/78	Sri K. Narasimha Rao General Mazdoor, Singareni Collieries Company Limited. D. IV(B).	Vs. The Management of Singareni Collieries Company Limited, Bellampalli Division, Bellampalli Adilabad District.
(3)	M.P. 201/78 in I.D. 37/78	Sri Sampath Kumar, Temporary Tunnel Mazdoor, Singareni Collieries Company Limited. D. IV(B).	Vs. The Management of Singareni Collieries Co. Ltd., Bellampalli Division, Bellampalli, Adilabad District.
(4)	M.P. 202/78 in I.D. 37/78	Sri E.L.N.S. Prasad, General Mazdoor, Singareni Collieries Company Limited D. IV(B).	Vs. The Management of Singareni Collieries Company Limited, Bellampalli Divn. Bellampalli, Adilabad Dt.
(5)	M.P. 203/78 in I.D. 37/78	Sri K. Vijaya Kumar, General Mazdoor, Singareni Collieries Co. Ltd., D. IV(B).	Vs. The Management of Singareni Collieries Co. Ltd., Bellampalli Division, Bellampalli, Adilabad Dt.
(6)	M.P. 2/79 in I.D. 57/78	Mohammad Iqbal Qurashi Temporary Tunnel Mazdoor Singareni Collieries Company Limited. D. IV(B)	Vs. The Management of Singareni Collieries Co. Ltd., Bellampalli Divn, Bellampalli Adilabad District.
(7)	M.P. 3/79 in I.D. 37/78	Md. Nasimuddin, Temporary Tunnel Mazdoor Singareni Collieries Company Limited. D. IV(B).	Vs. The Management of Singareni Collieries Company Limited Bellampalli Div. Bellampalli Adilabad District.
(8)	M.P. 11/79 in I.D. 42/78	Workmen of Chavuturu Lime Kankar Quarry, Chevuturu D.O. III (B).	Vs. THEIR EMPLOYERS.
(9)	M.P. 14/79 in I.D. 19/77	Sri P.S. Naidu, President, Port Khalasis' Union, Visakhapatnam D.O. II(B)	Vs. The Management of Food Corporation of India, Visakhapatnam.

New Delhi, the 6th June, 1979

S.O. 2086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employer in relation to the management of Ramnagar Colliery of Western Coalfields Limited, Post Office South Jhagrakhand, District Surguja and their workmen which was received by the Central Government on 3rd June, 1979

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)**

Case No. CGIT/LC(R)(27)/1978

PARTIES :

Employers in relation to the management of Ramnagar Colliery of Western Coalfields Ltd., P.O. South Jhagrakhand (Surguja) and their workmen represented through the M.P. Colliery Workers Federation (INTUC), P.O. Jhagrakhand Colliery, Distt. Surguja (M.P.).

APPEARANCES :

For Union—Shri Gulab Gupta, Advocate.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines. **DISTRICT :** Surguja (M.P.)

AWARD

Dated: May 25, 1979

This is a reference made by the Govt. of India in the Ministry of Labour vide its order no. L.22012/(25)/77-D-IV B, dated 10th May, 1978 for the adjudication of the following industrial dispute.

"Whether the action of the management of Ramnagar Colliery of Western Coal Field limited in dismissing Shri Sewa Singh, Truck Driver from service vide letter No. M/RAM/dismissal/76(24) dated 17-4-1976 is justified? If not, to what relief is the concerned workman entitled?"

(2) Sewa Singh was charge sheeted on two counts.

(i) exchanging shift working with Ram Saran without the permission of the authorities-referable to misconduct under clause 20(c) of the Standing Orders and (ii) dumping coal from incline no. 4 of Ramnagar Colliery through a dumper in nocturnal hours between the night of 13th & 14th February, without permission near the brick kiln of Murari Lal Contractor near quarry no. 1-referable to misconduct under clause 20(a) of the Standing Orders. He was found guilty on both the counts and dismissed from service.

3. Whereas by order dated 13th December 1978, passed by this Tribunal the enquiry was held to be otherwise valid and regular, it was vitiated for omission to consider the evidence an order purporting to be the sanction given by Sub-Area Manager, and the first charge was held to be not established at all.

4. The controversy thereafter centred round the fact whether the coal which was admittedly dumped by the delinquent in the nocturnal hours, with the help of the dumper which he operated, was the one that was covered by the sanction given to Sri Gupta contractor by the Sub-Area Manager or not. Besides that the delinquent challenged that the authority which punished him had no right to do so.

5. The workman raised a specific plea that he was an employee of Central Workshop, North Jhagrakhand Colliery and was governed by the Standing Orders of that Colliery. He was being paid from Central Workshop from where he was deputed to work in different collieries from where he produced attendance certificate on the basis of which payment was made to him from Central Workshop. Thus he was

neither governed by the Standing Orders of Ramnagar Colliery nor the Manager of that Colliery had any right to dismiss him from service. The management denied all these allegations. The burden was on the workman to establish these facts.

6. He filed the appointment order Ex. W/1 signed by the Area General Manager, according to which he was asked to report for duty with the Staff Officer (E & M) Jhagrakhand Area office. This fact has been admitted by Shri S. N. Prasad, Senior Personnel Officer, Jhagrakhand Area M.W.I. He further endorsed the version of Sewa Singh W.W.1, that Shri Achikari, Staff Officer, had posted him to work in Ramnagar Colliery. According to Sri Prasad regular transfer order was issued but no such order in writing was produced or proved by the management. With the ignorance pleaded by Sri Prasad M.W.1 about the working condition of Sewa Singh as to whether he continued to be on the rolls of Central Workshop from where he was deputed to work in various collieries from time to time or from where he drew his pay etc., this oral statement about regular transfer order is not sufficient to rebut the definite testimony of Sewa Singh that it was simply a deputation for the time being subject to fresh order from the Staff Officer at Central Workshop from where he continued to draw his wages after submitting attendance certificate. The best evidence of regular transfer order in writing has been suppressed by the management. The initial order of posting Ex. W/1 read with the oral testimony Sewa Singh W.W.1 thus clearly proves that he was the employee of Central Workshop of Jhagrakhand Area. This fact is further borne out by the fact that vide Ex. M-1A approval of the dismissal order was taken from the Asstt. Chief Personnel Officer of Jhagrakhand area. He was thus not an employee of Ramnagar Colliery and was not governed by the Standing Orders of that Colliery.

7. Whichever Standing Orders may apply, theft of or dishonesty with the property of the employer shall always be a misconduct whether specified in any Standing Order or not. Thus in respect of this charge it is immaterial whether Sewa Singh was governed by this or that Standing Orders.

8. Even if temporarily, the factum of the posting of Sewa Singh in Ramnagar Colliery did bring him under the disciplinary control of the Manager of that Colliery. Manager was thus entitled to initiate disciplinary action against Sewa Singh. Approval of the order of punishment taken from the Asstt. Chief Personnel Officer Jhagrakhand Area cured the defect if any. The authority which could take action perused all the papers and approved the action. This would mean that the dismissal order was passed by the competent authority. This plea of the workman about the incompetence of the authority dismissing him has no force.

9. So far as the factual aspect of theft is concerned Sewa Singh never took a stand in his reply to the charge or before Enquiry Officer or in his reply to notice after enquiry Ex. M-7 that he did dump the coal but that was in pursuance of any permission given to Sri Gupta by the Sub-Area Manager. When questioned in cross-examination Sewa Singh could not explain why he omitted to say any thing about the permission letter Ex. W/3 in his reply Ex. M-7 filed in response to the notice after charge. This positive story was missing even from the written statement and rejoinder of the delinquent filed before this Tribunal. The only thing said in the rejoinder for the first time was that Sewa Singh was in possession of an order of Sub-Area Manager for the supply of slack coal in exchange of quarry coal. Here again the pleadings carefully omitted to admit that in pursuance of that order Sewa Singh did dump the coal. Thus the story now developed while producing evidence before this Tribunal is only an after thought.

10. Sewa Singh W.W.1 says that the permission Ex. W/3 was signed by the Sub-Area Manager in presence of Colliery Manager and was handed to Sewa Singh. He received the order on 12th February and dumped the coal on the next following night. When this order was signed and given to him, Sri Gupta, Contractor, on whose application the permission was granted, was not there. This statement is not worthy of credence. Why and how Sewa Singh happened to be present with Sub-Area Manager on that day when he was to be on duty at Ram Nagar Colliery is not clear. Moreover Sri Gupta contradicts him by saying that permission was granted by the Sub-Area Manager in his very presence on 1-2-1976 and the same day the coal was supplied. This means that before 13th February when the coal indispute was dumped, slack coal

envisaged in the permission Ex M-1A had already been supplied to Sri Gupta, who has scrupulously avoided to say that it was supplied by Sewa Singh. Shri Gupta has not said that though the sanction was to supply slack coal yet the graded coal was supplied to him. It follows that the slack coal sanctioned by Ex. M-1A had already been supplied to him by some one on 1-2-76 and the sanction Ex. M-1A does not relate to the graded coal so dumped by Sewa Singh in the night between 13th and 14th February.

11. According to Ex. W-3 supply was to be made in exchange of quarry coal. There is no evidence that quarry coal was so exchanged. It is not clear why against all norms the Sub-Area Manager, though addressed the permission to Colliery Manager, handed over the same to Sewa Singh & not to the Colliery Manager. Again it remains unexplained why Sewa Singh should have taken care to dump it in exchanged duty and that too at nocturnal hours, without obtaining any receipt from the party to whom the coal was supplied. Why normal procedure of obtaining proper pass and proper orders of colliery Manager, was not followed? What urgency led to the use of dumper when even according to Sri Gupta W.W. 2 the coal is supplied in a truck to be provided by the contractor at his own cost. All this goes to show that Ex. W/3 is some other spent up permission which had no correlation with the coal so dumped by Sewa Singh.

12. The charge of dishonestly dealing with the property of the employer is thus fully established by the evidence on record and punishment awarded does not appear to be disproportionate to the committed delinquency involving moral turpitude.

13. It is, therefore, held that the dismissal was justified. Reference is answered accordingly.

S. N. JOHRI, Presiding Officer
[No. I-22012(25)/77-D-IV(B)]

S.O. 2087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employer in relation to the management of C.L. Jambad Colliery of Eastern Coalfields Limited, Parascole Sub-Area, Burdwan and their workmen which was received by the Central Government on 5th June, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 16 of 1978

PARTIES :

Employers in relation to the management of C.L. Jambad Colliery of Eastern Coalfields Limited.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers—Sri N. Das, Advocate, with Sri A. Ghose Chaudhury, Asstt. Chief Personnel Officer, Sri V. K. Srivastava, Sr. Personnel Officer,

On behalf of Workmen—Sri A. K. Lal Gupta, Advocate, with Sri M. Senyal, Jt. Secretary of the Union.

STATE : West Bengal.

INDUSTRY : Coal Mine.

AWARD

By Order No. L-19012(36)/77-D-IV(B), dated 27th January, 1978, the Government of India, Ministry of Labour referred an industrial dispute existing between the employers in relation to the management of C.L. Jambad Colliery of Eastern Coalfields Limited and their Workmen to this Tribunal for adjudication. The reference reads :

"Whether the action of the management of Parascole Sub-Area, Eastern Coalfields Limited, Burdwan in dismissing Shri Tangore Gour, Night Watchman of C.L. Jambad Colliery with effect from 29th September, 1975 is justified? If not, to what relief is the concerned workman entitled?"

2. The concerned workman was appointed a Night-guard in the Central and Lower Jambad Colliery. On the night of 9/10 July, 1975 he was on duty in the office-cum-stores premises alongwith one Mahatam Mahato. His duty as Night Guard was to protect properties of the employers.

3. It is alleged that at about midnight some dacoits came, blasted crackers and looted the cash in the office to the tune of Rs. 14,534.62 p. lying in a Godrej Almirah and a Voltmeter of the value of about Rs. 4000. No resistance was offered to the dacoits by the concerned workman or by any other watchman on duty nor did any one raise any alarm. In fact, they all ran away.

4. On July 10, 1975 a chargesheet was issued against the concerned workman under the relevant Standing Orders. In his explanation the concerned workman denied that he had committed any misconduct. A domestic enquiry was thereafter ordered to be conducted. The Enquiry Officer in his report found that the charges brought against the concerned workman had been proved. On the basis of the Enquiry Report, an order was made dismissing the concerned workman with effect from September 29, 1975.

5. The facts of the case as stated above are a summary of the written statement filed on behalf of the employers. In sharp contrast to the specific allegations made against the concerned workman in the written statement, the charges brought against him on the basis of which the enquiry was conducted were vague and indefinite. The chargesheet reads as follows :

"PC/WO/CLJ/CS/75-1637

10th July, 75

To

Sri Tanger Gour

C/o. Jita Gour

Designation :—Night Watchman

Central & Lower Jambad Section,

Parascole Colliery.

CHARGE SHEET

You were on duty in the Office premises as Night Guard on 9-7-75 and your duty hours was from 12 night to 8 a.m.

According to the information received by us from Sri Dalpat Jagani and Shri Sudhir Kumar Bhattacharjee that an amount of Rs. 14534. 62 p. and a voltmeter consting of Rs. 4,000 and some torch cells were looted by the dacoits during your duty period. This also was evidently caused due to wilful disregard by you to discharge your duty as Night Guard.

You are therefore, charged under clause 17(i)(c) and 17(1)(i) of the Model Standing Order which reads as follows :

(i) Wilful insubordination or disobedience, whether along or in conjunction with another or others, or of any lawful or reasonable order of a Superior.

(ii) Causing wilful damage to work in progress or to property of the employer.

Please show cause within 24 hours of receipt of this charge sheet as to why disciplinary action will not be taken against you.

You are suspended pending enquiry with immediate effect.

COAL MINES AUTHORITY

Parascole Colliery

Sd/-

Manager."

6. The chargesheet charged the concerned workman under clauses 17(1)(c) and 17(1)(i) of the Model Standing Orders. It merely reproduces the text of the said clauses. The text may be adequate as Standing Orders but as charges, they are worse than useless. The charges are expressed in alternatives and further alternatives. They are vague in the extreme, onerous and highly speculative. Reading them one will not know what exactly are the allegations. The charges mean anything or nothing. They leave one guessing. It is not possible to answer such charges nor is it reasonable to expect anyone to deal with them to any purpose.

7. The workman of course submitted an explanation in answer to the chargesheet by a letter dated July 14, 1975. It reads:

"To

The Manager,
Para scole Colliery.

14-7-75

Ref: Chargesheet No. PC/WO/CIJ/CS/75-1337

Dear Sir,

With reference to the above I have to submit that at time and date under reference I was on duty and have discharged the same properly. When dacoits came and cautioned me and others to silence, I screamed and shouted as a result of which I was hit by bombs and injured. I cried for help and contacted to Manager what I could do else obstructing the dacoits by my lathi it only weapon I was armed with? I did the same braving Bomb assault. I am sorry that even though I have risked my life on duty. I have charged of wilful disregards to discharge duty. I have done my duty properly. I denied all the charges levelled against me one by one completely. I am not wilfully insubordinate or disobey as alleged. I am not guilty of violating any lawful or reasonable order of a superior. I have not caused any wilful damage to work in progress or to property of the employer. Charge against me are untrue, vague and baseless. Please drop the charge and allow me to resume my duty.

Yours faithfully,

L.T.I. of Tengore Goro
N.W.M. Central Jambad
Section."

8. It is clear that the workman has dealt with the vague and indefinite charges framed in alternatives as best as he could. The fact however remains that the charges are incurably bad, on the ground that they are indefinite, highly abstract, vague, speculative and too wide. The concerned workman had no real chance to defend himself against charges which did not make it clear to him what exactly was the case he had to answer. If the charges were properly framed the workman might have satisfied his employers by his explanation in which event no enquiry would have been ordered. In this case an enquiry was ordered on the basis of charges bad in law. The Enquiry Report therefore cannot stand and must be set aside. The order of punishment found on the basis of enquiry report must therefore also be set aside. It is useless to ask the parties to adduce evidence afresh before the Tribunal as there is no valid charge against the concerned workman in the context of which such evidence could be taken.

9. In these circumstances, I am constrained to answer the reference in favour of the workman. Needless to add, that the employers will be free to initiate fresh disciplinary proceedings on the basis of fresh charges if they are so advised.

10. As regards back wages, I have taken into consideration the evidence given by the concerned workman that during the years of unemployment he has been growing paddy in the fields with the assistance of his family members. Having regard to his evidence, I am of opinion that an award for half of his back wages will meet the justice of the case.

11. I therefore hold that the action of the management of Parascole Sub-Area, Eastern Coalfields Limited, Burdwan in dismissing Shri Tangore Gour, Night Watchman of C.L. Jambad Colliery with effect from 29th September, 1975 is

not justified. He is therefore entitled to be reinstated with effect from the date of dismissal i.e., 29th September, 1975. He is also entitled to half of his back wages.

Dated, Calcutta,

The 30th May, 1979.

S. K. MUKHERJEA, Presiding Officer.

[No. L-19012(36)/77-D-IV (B)]

SASHI BHUSHAN, Desk Officer

New Delhi, the 4th June, 1979

S.O. 2088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Disputes Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-da-Gama (Goa) and their workmen which was received by the Central Government on the 2nd June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY.

Reference No. CGIT-2/9 of 1975

Employers in relation to the management of Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-Da-Gama (Goa).

AND

Their Workman Shri Shashikant L. Gaonkar

INDUSTRY : Ports and Docks STATE : Goa, Daman
and Diu

Bombay, the 21st May, 1979

AWARD

1. The Government of India, in the Ministry of Labour have referred the following industrial dispute under order No. L-36012/3/75-DIV(A) dated 20-5-1975 to this Tribunal for adjudication under Section 10(2) of the Industrial Disputes Act, 1947 as per the joint application made by the parties herein.

"Whether the management of Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-da-Gama, are justified in terminating the services of their Clerk, Shri Shashikant L. Gaonkar with effect from 15th November, 1974. If not, to what relief is he entitled?"

The Goa Dock Labour Union, Vasco-da-Gama espousing the cause of the workman Shri Shashikant L. Gaonkar (hereinafter referred to as 'workman') filed a statement of claim on his behalf. The workman joined M/s. Machado and Sons, Vasco-da-Gama, Goa (hereinafter referred to as the 'Company') as a Clerk in or about 1972. He was entrusted with the work of posting the petty cash register, writing vouchers etc. On 19-7-1974 the workman was served with a chargesheet alleging that there were certain irregularities in the posting of cash book and the preparation of the vouchers. The workman denied the allegation in his reply dated 27-5-1974/3-8-1974. The company not being satisfied with the above explanation conducted a domestic enquiry. Shri A. Da Cruz, the Secretary of the Mormugao Stevedores Association of which the company is a member was appointed as the Enquiry Officer. The Director of the company is the President of the said Stevedores Association. Shri Da Cruz after examining the witnesses and the record placed before him submitted a report to the management finding the workman guilty of the charges framed against him. The management accepted the said report and discharged the workman from service. The Union submits that by virtue

of his position as Secretary of the Stevedores Association Shri Da Cruz is biased in favour of the company and therefore not competent to be appointed as the Enquiry Officer. It is also alleged that the workman was not given a fair opportunity to defend himself by cross-examining the witnesses examined for the company. It is further submitted that the Enquiry was only a make believe affair and that he was victimised by the company. The Union referred this case to the Assistant Labour Commissioner (C), Vasco-da-Gama for his intervention. Before the Assistant Labour Commissioner the parties signed a joint application requesting the Government to refer this dispute for adjudication. It is submitted that the enquiry was conducted in violation of the principles of natural justice. It is prayed that the order of termination of service may be set aside and the workman may be reinstated with full back wages.

3. The management filed a written statement denying the several allegations made by the workman in the course of statement of claim. They say that the enquiry was properly conducted and not vitiated by any of the irregularities referred to in the course of statement of claim. They say that they have lost confidence in the workman.

4. The case underwent several adjournments. On 27-3-79 Shri S. V. Rao, Organising Secretary of the Goa Dock Labour Union prayed for time till 29-3-1979 either for reporting settlement or for trial. On 29-3-1979 a Memo. was filed on behalf of the workman praying for time to effect settlement. It is further stated therein that the workman Shri Gaonkar was asked to approach his employer directly for finalising the terms of settlement. The matter was then adjourned to 10-4-1979 finally either for reporting settlement or for evidence. The matter was again adjourned to 21-4-1979. On that day the workman was present. Shri Ramesh Desai for the company prayed for time to report settlement on the ground that the director of the company was not available and that he would submit the Memo. of settlement duly signed by the parties by post.

5. On 21-5-1979 a Memo. of compromise was received by post duly signed by the parties praying the Tribunal to pass an award in terms of the settlement. I am satisfied that the terms of settlement are beneficial to the workman having regard to the circumstances of the case.

6. In the result this reference is answered in terms of the Memo. of settlement signed by the parties. A copy of the Memo. of settlement is annexed hereto and may be read as part of this Award.

Sd./-

P. RAMAKRISHNA, Presiding Officer

Dated :23-5-1979

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, AT BOMBAY

Ref. No. CGIT-2/9 of 1975

EMPLOYERS IN RELATION TO

M/s. Machado and Sons, Agents and Stevedores
Pvt. Ltd., Vasco-da-Gama, Goa

AND

Shri Shashikant Gaonkar

MAY IT PLEASE YOUR HONOUR

The parties to the above reference have mutually come to a settlement and the terms of settlement are mentioned herein below :-

1. The employer agrees to pay the workman, Shri Shashikant Gaonkar, the amount of Rs. 600/- (Rupees six hundred) only by way of full and final settlement of all claims including reinstatement with full back wages, raised in the above reference.

2. Shri Shashikant Gaonkar agrees to accept the amount of Rs. 600/- mentioned under clause (1), towards the full and final settlement of all his legal dues arising out of his employment with the employer and termination of the same thereof with effect from 15th November, 1974.

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3. Shri Shashikant Gaonkar further agrees not to raise any claim whatsoever against the employer.

4. The employers agrees to make the above payment to Shri Shashikant Gaonkar on or before 31st May, 1979.

-The parties pray that this Hon'ble Tribunal may be pleased to pass the award in terms of items Nos. 1 to 4 mentioned above, for which act of kindness the parties shall ever remain.

For the Employer

Sd./-

(RAMESH DESAI)

Dated this 16th day of May, 1979

For the Workman

Sd./-

(SHASHIKANT GAONKAR)

[No. L-36012(3)/75-D. IV (A)]

New Delhi, the 6th June, 1979

S.O. 2089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the following award of the Arbitrators in the industrial dispute between the managements of Bina and Jayant Collieries of Central Coalfields Limited, Ranchi (Bihar) and their workmen which was received by the Central Government on 29th May, 1979.

[No. L-22013(2)/78-DIVA]

NAND LAL, Desk Officer

ARBITRATION award given by the Joint Arbitrators S/Shri R. G. Mahendru, CMD/BCCL and Shri Kanti Mehta, President, Indian National Mine Workers' Federation, Calcutta, under Section 10(A) of the Industrial Dispute Act, 1947

PRESENT :

- | | |
|---|----------------|
| 1. Shri R. G. Mahendru, CMD/
BCCL, Dhanbad, | } Arbitrators. |
| 2. Shri Kanti Mehta, President,
Indian National Mine Workers'
Federation. | |

APPEARANCE :

On behalf of the management —

1. Shri R. S. Murthy, Director (Personnel), CCL.
2. Shri A. Pani, General Manager, Singrauli.
3. Shri M. L. Gulati, Addl. CPO, CCL.

On behalf of the workmen —

1. Shri Bindeshwari Dubey, President, RCMS, Dhanbad.
2. Shri Damodar Pandey, Regional President, RCMS.
3. Shri Karam Chand, Bina Project.
4. Shri G. S. Rana, Bina Project.
5. Shri R. K. Roy, Jayant Project.

Industry : Coal

State : Bihar

Dhanbad, the May, 1979

The management of Bina and Jayant Projects of Central Coalfields Limited, Ranchi, Bihar, and their workmen represented by Rashtriya Colliery Mazdoor Sangh, Dhanbad, referred the following dispute for our Arbitration under Sub-Section (3) of Section 10(A) of the Industrial Dispute Act, 1947.

"Whether the demand of workers of Bina and Jayant Projects of Central Coalfields Limited, for discontinuing the present system of staggered weekly rest-day and for replacing it with a system of common weekly rest day is justified in view of the fact that the management have to operate their mining system on all the days of the week as envisaged in the Project Reports approved by the Central Government, heavy investments made therein, need for achievement of production targets which may be fixed by the competent

authority from time to time and the need for most economical working of these Projects. In case the demand for a common weekly day of rest is justified what additional payment should be made to the workers called upon to work on such weekly rest days having regard to the practice in the coal mining industry.

2. The parties agreed that the unanimous decision of arbitrators shall be binding on them and that in the case the arbitrators are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on them.

3. It was further agreed by the parties that the arbitrators shall make their award within a period of 6 months or within such further time, as is extended by mutual agreement between them in writing. In case the award is not made within the period mentioned above, the reference to arbitration was stand automatically cancelled and the parties shall be free to negotiate for fresh arbitrators.

4. The arbitration agreement was published in the Gazette of India, vide notification No. L-22013(2)/78-D IV(A) dated 19th July 78. After receipt of the copy of the notification publishing the agreement of the parties dated 9-6-1978 in the Official Gazette, the parties were requested, vide letter No. CMPDI/ARBI/295/775-77 dated 3 August, 1978 to submit their written statement to the arbitrators within 15 days simultaneously endorsing a copy of the same to the other party. The parties were further requested to submit their rejoinder, if any, in respect of written statement of the other party, simultaneously endorsing a copy thereof to the other party.

5. One of the arbitrators, Shri R. G. Mahendru, CMD/CMPDI, in the meanwhile was transferred as CMD/BCCL in October, 1978. Since no written statement was received from the parties, they were again requested vide letter No. BCCL/IR/18(24)/78/49215-17 dated 4/6 December, 1978 to submit the written statement as earlier requested.

6. The written statement of the workmen dated nil was received by the arbitrators but no written statement was received from the management. As such another notice was issued to the management requesting them to submit their written statement, vide letter BCCL/IR/18(24)/78/9/3230-32 dated 15/19 January 79. The parties were also requested to extend the period for giving award as the 6 months period stipulated in the agreement dated 9th June, 1978 was to expire on 19-1-1979. The parties submitted their consent for extending the period for giving award upto 19th July, 1979 vide their memo dated 20th February, 1979.

7. The management submitted their written statement, vide their letter dated 4th March, 1979. The union submitted their rejoinder on the management's statement, vide letter dated 6th March, 1979. The management also submitted rejoinder on the written statement of the workmen on 4th March, 1979.

8. The hearing of the case was fixed on 16th March, 1979 at BCCL office Calcutta. The parties attended the hearing and after preliminary discussions it was suggested to the representatives of both the parties that they may mutually discuss this issue amongst themselves with a view to come to a satisfactory settlement and report the outcome of their discussions to the arbitrators by 16/4/1979 when the case would be heard by the arbitrators, who shall give their award in the matter.

9. On the next date of hearing on 16-4-1979 though the workmen representatives attended the management representatives could not attend. The union representatives also stated that no mutual discussions could be held between the parties and, therefore, they requested that the case be heard and the arbitrators be pleased to give their award. As such a short adjournment was given and the hearing was fixed on 19-4-1979 at 4 P.M. in CHL's office at Calcutta. The parties attended the hearing on 19-4-1979, which continued on 20-4-1979.

10. The workmen's representatives submitted in their written statement that 2 Projects viz Bina and Jayanta are located in the district of Mirzapur in Uttar Pradesh and Sidhi in Madhya Pradesh, respectively and that approximately

1100 workers are employed therein of which 900 are affected with the present dispute which involved two issues. These two issues are not new to the coal mining industry and the same have already been decided by voluntary consent and/or awards etc.. It has been submitted by the union that it is well settled that as far as practicable, there should be a common weekly day of rest in respect of an establishment to enable the employed persons to have the benefits of marketing, social exchange, family reunion as well as for furthering trade union activities by attending rallies and meetings, etc. on that day. It is also settled that the statutory provisions imply that there should be a weekly day of rest and by and large industrial establishment in general and coal mining industry in particular have accepted Sunday, the first day of the week as a common rest day. Accordingly in the above 2 projects also Sunday is declared weekly rest day but operational staff have been put on arbitrary staggered day of rest.

11. The union representatives contended that the arbitration award of Shri J. G. Kumaramangalam and Shri Kanti Mehta was accepted by then Coal Mines Authority, the predecessor of Coal India Limited have also accepted the principles of declaring one day in the week for all the workmen as rest day and payment of extra wages for working on that day, if the workmen are called upon to do so. The union has contended that earlier when the Mines Act did not provide for overtime payment on the weekly day of rest, the issue was decided by the award of one time Chief Labour Commissioner (Central), Shri Joshi, which is commonly known as Joshi Award, which had decided to pay overtime rates i.e. one and half times of the normal wages to workmen, who are called upon by the management to perform duties on a weekly day of rest. Subsequently the rate of overtime payment was enhanced by virtue of an enactment in the Mines Act providing for double rates being on overtime duty on a weekly day of rest. There are awards and decisions of voluntary arbitration or otherwise according to which a workmen who is called upon to work on a weekly day of rest is entitled to receive two and half times of his normal wages. The same standard had been adopted by the Coal India Limited and a circular has been issued in this regard by the Chief of Personnel Division/Coal India Limited. In view of this the workmen representatives prayed that the management should declare Sunday as the common weekly day of rest in respect of employed persons of Bina and Jayant Projects and in the event of any workmen being required to perform duties on the common weekly day of rest, they should be paid at the double the normal wages so as to maintain uniformity.

12. The case of the management is that the Bina Project, which had started coal production with effect from 15-8-1974 and the Jayanta Project with effect from 27-2-1975, are very highly capital intensive projects and production are to be achieved at these projects for catering to the needs of some of the very big Thermal Power Stations located and to be established around these two collieries in UP and MP border. According to the original Project Report of Jayant Rs. 95 crores are to be invested whereas in respect of Bina Project the investment is expected to be in the region of Rs. 40.5 crores and a major part of the investment has already been made in these projects.

13. The management further pointed out that the Project Reports both in respect of Bina and Jayant were prepared by the Experts of Central Mine Planning & Design Institute in collaboration with Russian Experts. It is also pointed out by them that the feasibility reports of the Projects provided for quarry operation round the clock, throughout the year on 330 days per year excluding 7 days for National/Festival holidays and 28 days representing loss on account of moonson, etc. The operation of the equipment is also envisaged on the same basis. It was expected that the Bina Project will come into full swing by 1985-86 and Jayant by March, 1990. It was also pointed out by the management that as per the original Project Reports the life of Jayant Project is for a period of 53 years at the rated capacity of 3.05 million tonnes of coal per annum and as far as Bina Project is concerned its life is estimated as 30 years, at the rated capacity of 2.00 million tonnes of coal production per annum.

14. The management contended that in view of the fact that the high capacity equipment will be in use of Jayant and Bina Projects for over-burden removal and coal pro-

duction and also taking into account the high rated annual coal production of the mine at 10 million tonnes for Jayant and 4.5 million tonnes for Bina which are expected to be achieved as per revised project reports, it is essential that the costly equipment is operated round the clock and throughout the year within 7 days working per week and 3 shifts of 8 hours per day so as to achieve the maximum utilisation of the high capacity mines and equipment. The present manpower of Bina Project is 547 including 27 officers, 92 monthly rated staff whereas that of Jayanta is 626 including 26 officers and 116 monthly rated staff.

15. The management have also furnished the comparative economics of working 3 million tonnes per annum capacity mines under various alternatives and pointed out that the workings of mine such as Bina and Jayant should be 7 days week and 3 shifts per day with staggered rest day. It has also been emphasised that the cost of production of these projects is kept at the lowest because of the fact that the coal is of low grade being fit for consumption by Thermal Power Stations and it is priced extremely low.

16. It was pointed out that the question of introduction of 7 days working of coal mines was discussed by the management with the workers representatives from time to time and it was agreed in principle that 7 days working of mine could be introduced on account of obvious advantages. The management have, therefore, contended that there is strong case, keeping in view of need for the mining system in these Projects, being operated on a continuous basis on all the days of the week, the heavy investment made in these Projects, the need for achievement of a high production targets and the need for the most economical working of these projects, for the continuing the system of 7 days working of these projects. It has been argued that keeping the costly equipment in which several crores of rupees have been invested without being used in a productive operation for nearly 1/7th of the days of the year would naturally lead to increase in cost and lower production and the same cannot be justified. It has been stated that there are hardly any other coal mines with such heavy investment, high production targets. The management have, therefore, submitted that there is every justification for continuing 7 days working of this mine. This will also be in tune with the spirit of the provisions of the National Coal Wage Agreement vide Para 8.1.

17. As regard the 2nd part of the reference, which relates to the rate of additional payment to the workers, who are called upon to work on weekly rest day, in case the demand for a common weekly rest day is justified, it has been submitted that there is a strong case for continuing the present system of 7 days working with staggered weekly rest day, as explained earlier and, therefore, the question of common weekly rest day would not arise. It has also been pointed out by the management that if at all it arises, the workers called upon to work on the common weekly rest day for the mines can at best claim payment at one and half times of the normal rate of their wages. It is also contended that the Joint bipartite Committee for the Coal Industry in its meeting in October, 1976 recognised the need for the working of mines on 7 days basis with a staggered rest day and came to the conclusion that such system could continue. As such the management pleaded for giving an award in their favour.

18. During hearing of the case on 16th March, 1979 and on the 19th and 20th April, 1979, the representatives of the workmen reiterated what has been stated in their written statement and rejoinder and pointed out that the workers of these projects enjoying common weekly rest day on Sunday but during Emergency the system of staggered rest day was introduced. Since the removal of the Emergency the workmen represented for their original rest day. It has also been pointed out that the staggered rest day has been introduced only for production staff and others are still enjoying a common rest day. The workers who were called upon to work on the common rest day which is Sunday, are paid at double the rate except the production staff who are paid only single wages. The demand of the workmen is, therefore, just and reasonable. It has been argued that the production cannot be achieved by exploiting the workmen and the advantage of extra production cannot be monopolised by the management. The workmen concerned should also get a share out of the same.

19. On certain clarifications sought by the arbitrators, it was pointed out that before the Emergency there was 6 days working and 7 days working was introduced on 4-7-1976. The general recognised rest day in these projects was and is Sunday.

20. The representatives of the management while arguing the case reiterated their stand mentioned in their written statement and rejoinders and pointed out that the honourable arbitrators may confine their award within the terms of reference. It has been argued that in view of the facts stated in their written statement the mine has to work on 7 days per week and, therefore, the workers who are being given staggered rest day, if called upon to work on that day shall be paid at double the rates but they can have no justifiable claim for payment at double rates if they work on Sunday which is a normal working day for them.

21. The management representatives also pointed out that there is another union by name MP Colliery Workers Union, which is operating in these 2 Projects, they may also be impleaded as a party as they have threatened to resort to strike on the same issue and the conciliation proceedings have started. It was clarified by the Arbitrators that they could be included only after they approach in writing for the same and not otherwise. In any case the management cannot take this plea at this stage. The management representatives submitted that the matter regarding 7 days working and staggered rest day, was also taken up in the Joint Bipartite Negotiating Committee at National level and hence it would be fair to wait its outcome and prayed that the arbitrators may give an award to maintain status-quo till the matter is decided at industry level.

22. We have carefully gone through the submissions made by the parties in the written statements and rejoinders as well as orally during the hearing of the case on 19th and 20th April, 1979. Taking everything into consideration as also the fact that coal mining is not a continuing process industry, we are of the opinion that the demand of the workers of Bina and Jayanta Projects, Central Coalfields Ltd. for discontinuing the present system of staggered weekly rest day is justified and, therefore, we direct accordingly. We also accept the contention of the management that the Projects in the Singrauli Coalfield are exclusive in planning and design features, and are highly capital intensive. We are aware that the heavy investments made in these mines can be better utilised and higher production targets can be achieved if the mine is worked all the 7 days as in a continuous process factor. As the management is interested in the maximum utilisation of the heavy investment they have made it should persuade the union to continue the present practice of running the mines all the 7 days by paying at double the normal wages for working on the common weekly day of rest as was the practice in these mines prior to 4-7-1976 and as is the case with the non-operational staff even now.

23. The union has demanded that the relief we give should be from 4-7-1976 the date on which 7 days working was introduced. To come to a decision in this matter, we have considered the trend of decisions of the Hon'ble Supreme Court of India in this regard. In the case of Greaves Cotton reported in 1964 II LLJ page 342, at page 350, the Court has observed that if the award is given from the date of reference it could not be said to have been given with any retrospective effect. In the case of Bhagrukhand Colliery reported in 1960 II LLJ Page 71 at Page 77 the Court has observed that, if and when the demands are reasonable, the relief should be with effect from at least the date of the demand. Taking everything into consideration we feel that the ends of justice would be met if we award that those who have worked on the weekly day of rest (Sunday) should be paid at double the normal wages for work on that day and our decision should come into effect

with retrospective effect from 19th July, 1978, the date of reference. We award accordingly.

24. Regarding the demand of the union for cost we direct the management to pay Rs. 3,000 to the union as costs.

Sd/-

(Kanti Mehta)

ARBITRATOR

Sd/-

(R. G. Mahendru),
ARBITRATOR

CHAIRMAN/MG. DIRECTOR

Bharat Coking Coal Limited

[No. L-22013(2)/78-D. IV(A)]

NAND LAL, Desk Officer

नई दिल्ली, 7 जून, 1979

क्र० प्र० 2090.—केन्द्रीय सरकार, खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री डी० पंडा, कल्याण आयुक्त, को असम और उड़ीसा में कोयला क्षेत्रों के लिए मुख्य खान निरीक्षक के अधीनस्थ खान निरीक्षक नियुक्त करती है।

[सं० ए-26019/1/78-एम 2]

New Delhi, the 7th June, 1979

S.O. 2090.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri D. Pande, Welfare Commissioner to be an Inspector of Mines subordinate to the Chief Inspector of Mines for the coalfields in Assam and Orissa.

[No. A. 26019/1/78-M. II]

क्र० प्र० 2091.—केन्द्रीय सरकार, कोयला खान गतिमुख स्तान, नियम, 1959 के नियम 2 के उपनियम (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री डी० पंडा, कल्याण आयुक्त, को, असम और उड़ीसा के कोयला क्षेत्रों में कोयला खानों के संबंध में, इन नियमों के अधीन सक्षम प्राधिकारी के सभी कृत्यों का पालन करते के लिए सक्षम प्राधिकारी नियुक्त करती है।

[सं० ए-26019/1/78-एम 2]

पी० के० सेन, प्रवर सचिव

S.O. 2091.—In exercise of the powers conferred by sub-rule (b) of rule 2 of the Coal Mines Pithead Bath Rules, 1959, the Central Government hereby appoints Shri D. Panda, Welfare Commissioner as the competent authority to perform all the functions of a competent authority under these rules, in respect of the coal mines in the coalfields of Assam and Orissa.

[No. A. 26019/1/78-M. II]

P. K. SEN, Under Secy.

New Delhi, the 7th June, 1979

S.O. 2092.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Barora Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagar, District Dhanbad and their workmen, which was received by the Central Government on the 4th June, 1979.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

SHRI J. P. SINGH

Reference No. 10 of 1978

In the matter of an industrial dispute U/S 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES

Employers in relation to the management of Barora Colliery of M/s, Bharat Coking Coal Ltd., P. O. Nawagar, Distt. Dhanbad.

AND

Their Workmen

APPEARANCES :

For Employers.—Shri B. Joshi, Advocate.

For Workmen.—Shri S. Bose, Representative of the Union.

INDUSTRY : Coal.

STATE : BIHAR.

Dated, the 29th May, 1979.

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employers in relation to the management of Barora Colliery of M/s. Bharat Coking Coal Limited, P.O. Nawagar, Distt. Dhanbad and their workmen. Accordingly they, by order No. I-20012/181/77-D. III(A) dated 6th February, 78 referred the said dispute to this Tribunal U/S 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication with the following issue framed :

SCHEDULE

"Whether the action of the management of Barora Colliery of M/s, Bharat Coking Coal Ltd., P.O. Nawagar, Distt. Dhanbad in stopping from work Servashri Ranka Behra and Ujjal Sethi, workmen with effect from 29th September, 1976, is justified ? If not, to what relief are the said workmen entitled ?"

2. After receipt of the reference written statement was filed by the employers and the union prayed for time for filing settlement. Ultimately on 28-5-79 a joint petition of compromise was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. The contents of the joint petition of compromise were verified as correct from the side of the workmen by Shri Unit Prasad Singh, Secretary, Janta Mazdoor Sangh and S/Shri J. S. Jadan, Superintendent and R. Mohan, Dy. Personnel Manager, Barora Colliery of M/s, Bharat Coking Coal Ltd. I heard the parties on the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. It appears that the settlement in its turn has been signed by the authorised representative of Bharat Coking Coal Ltd., on behalf of the employers and Shri Unit Prasad Singh on behalf of the workmen and also thumb impressed by the workmen actually concerned in the Reference. The terms of the settlement, beneficial as they are to the parties, are accepted. Nothing therefore stands in the way of an award being passed on the basis of the settlement. Accordingly, I pass the Award in terms of the settlement which shall form part of the Award as Annexure A.

J. P. SINGH, Presiding Officer.

ANNEXURE 'A'

FORM—'H'

FORM FOR MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN BARORA COLLIERY AND JANTA MAZDOOR SANGH ON 8-2-1979

Representing Employers

1. Sri J. B. Jadan, Supdt. Barora Colliery
2. Sri Rajendra Mohan Dy. Personnel Manager, Barora Area.

Representing Union's workmen

1. Sri Unit Prasad Singh, Secretary Janta Mazdoor Sangh

SHORT RECITAL OF THE CASE

M/s. Ujjal Sethi and Ranka Behra, Quarry workers of Barora, Colliery were stopped from their employment in 1976 on account of impersonation and subsequently they were allowed to resume their duty pending investigation. The Union also discussed this matter with the Review committee consisting of member of Union and Management at Karmik Bhawan.

After long discussion it was decided to settle this matter on the following terms :—

Terms of Settlement

1. That M/s. Ujjal Sethi and Ranka Behra have been allowed to resume their duty with effect from 24-12-1978.
2. That M/s. Ujjal Sethi and Ranka Behra shall be paid 50 per cent of the wages (average) for the idle period from the date of stoppage to the date of joining their duty at the Colliery.
3. That the period of idleness of the workmen as above shall be treated as leave without Pay for the purpose of continuity of service only.
4. That this issue is resolved finally.
5. That the copies of the settlement shall be sent to appropriate authority under Rule 58(4) of I.D. (C) Rules, 1957.

Sd/-

(J. S. JADAN)	Signature of Union Representative
(Superintendent)	(Unit Prasad Singh)
Barora Colliery	Secretary
(R. MOHAN)	Janta Mazdoor Sangh
Dy. Personnel Manager,	
Barora Area	

Witness :—

1. Sri Ujjal Sethi
2. Sri Rank Behara
- 3.

[No. L-20012/181/77-D.III(A)]

S.O. 2093.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Kujama Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 4th June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

Reference No. 39 of 1978

In the matter of an industrial dispute u/s. 10(1)(d) of the Industrial Disputes Act, 1947

PARTIES :

Employer in relation to the management of Kujama colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employer.—Shri J. R. Varman, Dy. Personnel Manager, Bharat Coking Coal Ltd., Jaulgora, Dhanbad.

On behalf of the workman.—Shri M. N. Singh, Vice President, Koila Ispat Mazdoor Panchayat, Jharia.

State : Bihar

INDUSTRY : Coal

Dhanbad, 30th May, 1979.

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employer in relation to the management of Kujama colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen. Accordingly they, by order No. L-20012/226/76-D. III(A) dated 3-5-78 referred the said dispute to this Tribunal u/s 10(1)(d) of the I.D. Act, 1947 for adjudication with the following issue framed :

SCHEDULE

"Whether the action of the management of Kujama colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad in terminating the services of Shri Bhola Nath Pandey, Night Guard, with effect from 23rd April, 1976, is justified? If, not, to what relief is the said workman entitled?"

After receipt of the reference written statement was filed by the workman. Employers were to file their written statement on 25-5-79. But on 25-5-79 a joint petition of compromise was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. I heard the partner in the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. It appears that the settlement in its turn has been signed by the authorised representative of Bharat Coking Coal, on behalf of the employers and by Shri R. N. Singh, Vice President, Koila Ispat Mazdoor Panchayat, Jharia representing the workmen and also signed by the workman actually concerned in the reference. The terms of the settlement, beneficial as they are to the parties, are accepted. Nothing therefore stands in the way of an award being passed on the basis of memorandum of settlement. Accordingly, I pass the Award in terms of the memorandum of settlement which do form a part of the Award as Annexure A.

J. P. SINGH, Presiding Officer

ANNEXURE 'A'

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 3, DHANBAD

In Ref. No. 39 of 1978.

Employers in relation to Kujama Colliery of BCC Ltd.

AND

Their Workmen.

Joint Petition of Compromise Settlement

The humble petitioners, on behalf of the parties above noted, most respectfully pray :—

That the dispute mentioned above, and pending adjudication before the Hon. Tribunal, has been settled amicably between the parties on the terms stated below :—

Terms of Settlement

The parties agree :—

1. That Shri Bholanath Pandey, Night Guard of Kujama Colliery, shall be reinstated in his original post in the same Colliery, within seven days of his reporting to the Superintendent of the Colliery, for resumption.
2. That the service of Shri Bholanath Pandey shall be treated as continuous, for the purpose of calculating gratuity and for other purposes.
3. That the workman/union shall forego all claims for all payment of wages, bonus, etc., for the period of idleness between 23-4-1976 and the date of his resumption.
4. That the parties shall have no further claim whatsoever against each other relating to this dispute, which stands fully and finally resolved by this settlement.

The petitioners beg to submit that the Hon. Tribunal may be pleased to approve of the terms as fair and reasonable, and pass award in terms thereof.

And for this the humble petitioners shall ever pray.

For and on behalf of
the employers.

Sd/-

(. R. VARMAN)
Dy. Personnel Manager,
BCCL, Security Hqrs.
Jealgora (Dhanbad).

For and on behalf of
workman/union
(H. N. SINGH)
Vice President,
Koila Ispat Mazdoor
Panchayat, Jharla.

Dated the 25th May, 1979

Sd/-

(Bhola Nath Pandey)
Workman.

New Delhi, the 7th June, 1979

S.O. 2094.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Gujarat in the industrial dispute between the employers in relation to the management of Carborundum Universal Ltd., Bauxite Mines, P. O. Bhatia, District Jamnagar and their workmen, which was received by the Central Government on the 23rd May, 1979.

**BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL AHMEDABAD.**

Reference (ITC) No. 9 of 1976

Adjudication

BETWEEN

The Management of Carborundum Universal Ltd.
Bauxite Mines,
Post Office Bhatia,
District Jamnagar.

AND

The Workmen.

In the matter of Union's demand for 10 days' casual leave and 10 days' festival holidays—

APPEARANCES :

Shri D. C. Gandhi, with Shri M. J. Sheth, advocates,
for the Company.

Shri R. M. Shukla for the Workmen.

AWARD

This is a reference made by the Government of India, Ministry of Labour, under the provisions of Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (hereinafter to be referred to as 'the Act'), in respect of an industrial dispute which has arisen between the parties, viz., the Management of Carborundum Universal Limited, Bauxite Mines, Post Office Bhatia, (District Jamnagar), (hereinafter to be referred to as 'the employer'), and the Workmen employed under it. At first, the reference was made to the Industrial Tribunal, (Central), consisting of Shri M. U. Shah. Vide the Government of India, Ministry of Labour's Order No. L-43011(2)/76-D-IV(B), dated the 23rd November, 1976, but, thereafter, vide the Order No. S. 11025(7)/77-D-IV(B), dated 27-8-77, of the same authority, the reference was transferred to this Tribunal.

2. The industrial dispute, as it appears from the schedule attached to the original order, under which this reference has been made, relates to the demand, which is as under :

"Whether the demand of the workers for grant of ten days casual leave and ten festival holidays in a year is justified? If so, the quantum of casual leave and festival holidays the concerned workmen are entitled to?"

3. In support of the demand covered by this reference, the union, by name, Okhamandal Majoor Mahajan Sangh, Mithapur, (hereinafter to be referred to as 'the union'), representing the workmen concerned in this reference, has filed its statement of claim, (Ex. 2), dated 13-1-1977. It is the case of the union that the employer is dealing in mining business and the mines are situated at two villages, by name, Mahadevia and Mavas in Jamnagar district. It is explained by the union that at Mahadevia village, 23 males and 12 females; and at Mavas village, 13 males and 9 females are working in those mines. Because the workmen employed by the employer for working in those two mines, were not represented by any trade union, they were denied all the usual leave benefits, including the enjoyment of festival holidays. However, when the union enrolled them as its members, enquiries were made as to what leave facilities were being granted to those workmen. It was noticed that they were not given any casual leave and, as regards the festival holidays, they were given only 4 holidays. The complaint of the union, therefore, is that when the other workmen working in the similar mines in the same area, have been enjoying better facilities, so far casual leave and festival holidays are concerned, there should be no reason as to why these workmen employed by this employer, should not receive the similar facilities. The union has cited the example of Gujarat Mineral Development Corporation, which is also dealing in the business of mining, and which gives 7 days' casual leave and 6 festival holidays to the workmen employed by it. It was also further explained that the mining operations done by the State Government, were also done in a manner, so as to provide similar facilities to the workmen employed in those operations. Since the employer was not in a mood to agree with the demand made by the union on behalf of the said workmen, an industrial dispute was raised with the Government of India, which was ultimately referred for adjudication to this Tribunal. The demand of the union, therefore, is that the workmen employed in these two mines, should be given 10 days casual leave in a year and they should also be given 10 days festival holidays with full wages.

4. On behalf of the employer, the written statement, (Ex. 3), has been filed on 5-2-1977. It is not denied that the two mines are situated in the two villages in the district of Jamnagar, as stated through the statement of claim. However, the number of male and female workers, has been objected to, but it is admitted position that certain male and female workers are working in those mines. It is also admitted that no casual leave is being given to those workers, but they are given 4 festival holidays with full wages, and they are 26th January; 15th August; 2nd October and either Diwali, or Holi. It is further explained that they are also given one day's privilege leave for every 20 working days as per the Mines Act. The employer has opposed the demand for casual leave for 10 days and also for any enhancement in the paid festival holidays. The opposition is based on two grounds. The first ground is that the Gujarat Mineral Development Corporation, cannot be considered a comparable concern with the mines in question, and even the Government run mines cannot be considered as comparable concern with these two mines. It is, therefore, urged that on the basis of the different kinds of leave granted by those concerns to their respective workmen, the present demand covered by this reference cannot be granted. The second ground urged on behalf of the employer is that the financial position of the employer is not satisfactory and if this demand is granted, it will result in more financial liability, which cannot be borne by the employer.

5. The employer was represented by the learned advocate, Shri M. J. Sheth, and the workmen, through the union, were represented by their learned representative, Shri R. M. Shukla. On behalf of the parties, a joint purshis, (Ex. 6), was filed on 12-10-1978, indicating that they did not wish to lead any oral evidence in this reference. In fact, no documentary evidence has also been filed, excepting a list of workmen employed in these mines at Ex. 5, showing the days on which each workmen had remained absent during the year 1976. The employer has not produced any data regarding its present financial position, so as to indicate that the extra burden which may be inflicted on account of the grant of this demand, either wholly or partially, cannot be borne by the employer.

6. Through the written statement, (Ex. 3), it is not denied that to the workmen working in the other mines in the same area, casual leave for 7 days and paid festival holidays for 6 days in a year, are being given by their respective employers. If that is so, it would be very difficult to agree with the employer that no casual leave should at all be given to the workmen employed by them. However, since a plea of financial difficulty has been raised, the workmen concerned in this reference may not be given 10 days casual leave, as demanded through this reference, but, in any case, they cannot be denied the facility of enjoying 7 days' casual leave, as the other workmen engaged in the same work and in the same area, are enjoying. I am, therefore, of the opinion that the ends of justice in this case, will be fully met with, if it is ordered that the workmen employed in these mines, be given 7 days' casual leave with effect from the present year, i. e., the year 1979.

7. As regards the paid holidays, at present the workmen are given 4 such holidays. I have stated above that those holidays are given on 26th January; 15th August; 2nd October and either on Diwali, or Holi, every year. In other mines, the paid festival holidays given to the workmen, are 6 in a year. However, in the instant case, considering the plea of the employer regarding their weak financial position, it would be just and reasonable to direct that, instead of 6 holidays as demanded the workmen concerned in this reference, be given only 5 paid holidays, which should be 26th January; 15th August; 2nd October; Diwali and Holi every year. Even this direction should take effect from this year i. e., the year, 1979.

8. (i) It is, therefore, hereby directed that the workmen employed by the management of Carborundum Universal Ltd., Bauxite Mines, P. O., Bhatia, Jamnagar district, shall be granted 7 days' casual leave every year, beginning from this year, the year 1979.

(ii) It is further directed that the said workers shall also be granted 5 paid holidays, as under, every year, beginning from this year, 1979 :

- (1) 26th January ;
- (2) 15th August ;

(3) 2nd October ;

(4) Diwali ;

(5) Holi.

(iii) The first party to bear its own costs, and also to pay the cost of the second party, which are quantified at Rs. 200 (Rupees two hundred only).

Ahmedabad, 4th April, 1979.

Sd./-

R. C. ISRANI, Presiding Officer.

[No. L-43011/2/76-D-IV B/D]

S.O. 2095.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Gujarat in the industrial dispute between the employers in relation to the management of Tata Chemicals Limited Ranavav and their workmen, which was received by the Central Government on the 21st May, 1979.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 1 of 1975

Adjudication

BETWEEN

The Management of Messrs Tata Chemicals Ltd.,
Post Office Ranavav,
District Junagadh. First Party.

AND

The workmen employed under it. Second Party.

In the matter of termination of services of Shri K. B. Thakur, a Mechanic of Stone Quarry, Ranavav, with effect from 23-10-1974.

APPEARANCES :—

Shri D. C. Gandhi, Advocate— for the First Party.

Shri R. M. Shukla— for the Second Party.

AWARD

This is a reference made by the Government of India, Ministry of Labour under Section 7A read with clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (hereinafter referred to as 'the Act'), in respect of an industrial dispute which has arisen between the parties viz. the management of Messrs Tata Chemicals Limited, Post Office Ranavav, District Junagadh hereinafter to be referred to as the company and the workmen employed under it. The reference was at first made to the Industrial Tribunal (Central) consisting of Shri M. U. Shah but thereafter vide the Oral Judgment in Special Civil Application No. 658 of 1977 the Hon'ble High Court of Gujarat remanded the reference to this tribunal for affording a reasonable opportunity to the management to lead all that evidence which was shut out and then proceed to decide the matter in the light of that evidentiary material.

2. The industrial dispute as it appears from the schedule attached to the original order under which this reference has been made relates to the demand which is as under :—

"Whether the termination of services of Shri K. B. Thakur, a Mechanic of Stone Quarry, Ranavav, with effect from the 23rd October, 1974, by the management of Messrs Tata Chemicals Limited, Post Office Ranavav, Distt. Junagadh, justified and legal? If not, to what relief the workman is entitled?"

3. In support of the above mentioned demand, Shri K. B. Thakur who will hereinafter be referred to as 'the workman' filed his statement of claim Ex. 2 on 24-5-1975. It is his case that he is a Mechanic at Ranavav-Adityana Lime Stone

Quarry of the Company to which post he had been appointed by the Order Ex. 2/5 dated 5-7-1969 and was later on confirmed by the Order dated 7-10-1969 Ex. 2/2. The workman was, therefore, a permanent employee of the Company. It is his case that he was performing his duties quite efficiently and honestly and had also acquired sufficient experience. It is also his claim that his record of service had been clean without any blemish. However, it is his grievance that on 27-8-1974 he was served with a charge-sheet Ex. 2/4 equivalent to Ex. 5/5 by the Company, alleging that report had been received by the Management that on the morning of 27-8-1974, he had quarrelled with another workman by name Shri Hamidminya Hyderminya and had also given him foul abuses in connection with the repairing of C.P.T. compressor. It was alleged against him that this conduct on his part amounted to misconduct falling within the purview of a clause (i) of Standing Order No. 21 of the Standing Orders by which he and the other workmen employed by the Company were governed. Through the said charge-sheet Ex. 5/5 he was further informed that Inquiry Officer will come from Mithapur at his convenient time and date and a domestic inquiry will be held against him of which due notice will be given to him. He was further informed that he was being put under suspension for the alleged misconduct during the period of the said inquiry.

4. It is the case of the workman that ultimately no such domestic inquiry was held against him and straightway an order purporting to terminate his services was passed by the Company. A copy of that Order is produced at Ex.2/5 equal to Ex. 5/7, dated 22nd October, 1974. It is the contention of the workman that this action of the Company was illegal and unjustified because the Order terminating his services was in fact a penal order which could not be legally passed by the Company without holding a regular domestic inquiry against him and without giving him a sufficient opportunity to defend himself during that inquiry. The grievance of the workman is that even though the order terminating his services was couched in a language so as to appear that it was an innocent order of discharge simpliciter, yet, in fact it was a penal order which penalised the workman in the shape of the termination of his services without any justification. Since the Company was not in a mood to reconsider its decision, an industrial dispute was raised by the Union on behalf of the workman with the Central Government and ultimately this reference was made for the adjudication of the said dispute as contained in the schedule attached with the original order of reference.

5. On behalf of the Company the written statement Ex.5 has been filed on 6-6-1975. It is explained by the Company that the workman had been involved on several occasions in different acts of misconduct and on every occasion appropriate action had been taken against him as would be seen from the statement of those incidents which has been marked as Annexure "A" to the written statement. As regards the incident of 27-8-1974, it was explained that the workman had quarrelled with his co-worker while on duty and both of them had given their separate complaints in writing to the management of the Company. The Company after considering the past conduct of the workman had ultimately decided to terminate the services of the workman as it was no more desirable to retain him in the service of the Company. It was explained by the Company that in the beginning it was proposed to hold a domestic inquiry into the charges against the workman but the same could not be held as the workman himself had filed a criminal case against that co-worker Shri Hamidminya with whom he had quarrelled and, therefore, the Company thought it advisable not to proceed with the proposed inquiry and under these circumstances it was dropped. It was also contended by the Company that in view of the past conduct of the workman as well as his conduct on the day of incident the Company had honestly felt that it was against its interests to continue him in the employment, it having lost confidence in him. It was under these circumstances that the Company had exercised its option under the Standing Order No. 19 and had terminated the services of the workman in pursuance of the said Standing Orders. The Company had also cited as many as five acts of alleged misconducts on the part of the workman during the period from 17th November, 1972 to 12th July, 1974. As such, the defence of the Company was that the order of termination of services of the workman Ex. 5/7 is a simple order of termination passed by the Company in the circumstances of the case and in the interest of

the Company. Since no stigma was attached to such an order and since it was not to be treated as the punitive order, the Company did not think it proper or necessary to hold any domestic inquiry especially when the incident had been taken to a court of law at the instance of the workman himself.

6. The then Industrial Tribunal consisting of Shri M. U. Shah recorded the evidence of the parties because the Company was given an opportunity to prove the alleged charges against the workman before the Tribunal itself as the Company had not held any domestic inquiry against him and had not arrived at any findings regarding the truth or otherwise of the allegations contained in the charge-sheet. After considering the oral as well as the documentary evidence led before the said Industrial Tribunal, the learned Tribunal came to the conclusion that the Company had failed to substantiate the charges against the workman and, therefore, the order of termination of his services was also held to be illegal and ineffective. As such, a direction was given by that Tribunal through the Award dated 17-12-1976 for the reinstatement of the workman in his original position, with continuity of service and with the payment of his full back wages. It will be convenient to reproduce the operative part of the said Award which is as under :—

"I find that the order of termination of Shri Thakur is wrongful and the management has failed to justify the charge and its action. Shri Thakur is thus entitled in the normal course to a relief of reinstatement with full back wages on the considerations aforesaid. No cogent reasons are given to take a different view in the matter. I accordingly direct that the workman, Shri K. B. Thakur be reinstated in service in his original post and with continuity of service within two months from today, by the management of Messrs. Tata Chemicals Ltd., Ranavav, and that he be paid full back wages and other emoluments due to the post from the date of the order of termination till he is reinstated. The Company shall pay Rs. 700 (Rupees seven hundred only) as and by way of costs of this Reference to Shri K. B. Thakur. Award accordingly."

7. Aggrieved by this Award given by that Industrial Tribunal, the Company filed the Special Civil Application No. 658 of 1977 in the High Court of Gujarat. The said application came up for hearing before a Division Bench of the High Court of Gujarat presided over by the Hon'ble the Chief Justice Shri B. J. Diwan and consisting of Hon'ble Justice Shri N. H. Bhatt by their oral judgment dated 13-12-1977 the said Special Civil Application was allowed and the award made by the then Industrial Tribunal was quashed. The judgement of the High Court is produced at Ex. 29. In order to appreciate the reasons for which the said Special Civil Application was allowed, it will be necessary to reproduce paragraphs 3 and 4 of that judgement of the High Court of Gujarat which are as under :—

"3. The only point that was canvassed before us by the learned Advocate for the petitioner-company was that the Tribunal had wrongly withheld an opportunity to the management to lead evidence about the previous acts of indiscipline, etc. of the concerned workman, which are set out in Annexure "A" to the petition. The Tribunal withheld the said opportunity on the ground that those previous instances of alleged lapses on the part of the workman were absolutely irrelevant. It was contended on behalf of the petitioner-company that this material would be relevant even for the purpose of deciding what final order should be passed. In other words, it was contended that reinstatement does not follow as a matter of course in all such cases and there are many factors which are required to be brought to bear before any final adjudication is made. For the purpose of determining what final order should be passed, namely, one of reinstatement with full back wages or one for compensation, it would depend upon all relevant considerations. This was the only point canvassed on behalf of the petitioner-company and we are called upon to decide the same.

4. We have been taken through the evidence that was proposed to be led on behalf of the company at the time of the enquiry. Those instances regarding which the company wanted to lead evidence are set out in Annexure A to the petition. We do not find that various lapses attributed to the respondent-workman spread over the periods of the years from 1970 to 1974 are irrelevant. One of the occasions referred to therein pertains to the alleged drawing out of a knife from his pocket by the workman and placing it on the table of the Personnel Officer of the Company. The Company also wanted to put on record various apologies tendered by the concerned workman in writing on earlier occasions. We are in perfect agreement with the submissions made on behalf of the petitioner-company that such instances have their relevance at least for the purpose of deciding what final order should be passed in the event of the Tribunal coming to the conclusion that the alleged misconduct of the workman is not established by the company by leading evidence before the Tribunal. As the Tribunal had shut out this important and relevant material from evidence, its final award stands vitiated on that count. We, therefore, set aside the impugned award passed by the Tribunal on 21-2-76 and remand the matter back to the Tribunal for affording a reasonable opportunity to the management to lead all that evidence which was shut out and then proceed to decide the matter in the light of that evidentiary material. Rule is accordingly made absolute with no order as to costs."

8. After the remand of this reference under the directions of the High Court of Gujarat, the notices were issued to the parties for leading further evidence, if any, and specifically for the Company to produce any documentary evidence in respect of the instances of past misconduct on the part of the workman. On behalf of the Company two affidavits were filed, one Shri G. B. Trivedi has filed his affidavit Ex. 36 on 6-7-1978 and Shri S. R. Mahadkar also filed his affidavit Ex. 38 on 1-9-1978. The Company has also produced the additional documentary evidence with the list Ex. 31 pointing towards the instances of past misconduct on the part of the workman. Since these two persons had filed those affidavits on behalf of the Company, the workman was given an opportunity to cross-examine them in respect of what they had alleged against him through those two affidavits. Shri Trivedi was cross-examined at Ex. 39 and Shri Mahadkar was cross-examined at Ex. 40. Thereafter on behalf of the Company the perches Ex. 41 was filed on 1-9-1978 through which the Company closed its case. Thereafter the workman himself entered into the witness box and gave his evidence at Ex. 41. He was cross-examined on behalf of the Company by their learned Advocate Shri D. C. Gandhi. Thereafter the perches Ex. 43 was filed on behalf of the workman on 19-9-1978 closing his case. After the closing of their respective cases, the learned representatives of the parties were heard.

9. Shri D. C. Gandhi, the learned Advocate, was heard on behalf of the Company and Shri R. M. Shukla was heard on behalf of the workman. It would be clear from the two paragraphs cited from the judgement of the Hon'ble High Court of Gujarat, that the original award given by the then Industrial Tribunal in this reference was set aside and quashed mainly on the ground that the said Tribunal had refused to permit the Company to bring on record documentary evidence in respect of instances of past misconduct on the part of the workman. On going through the entire judgement of the High Court of Gujarat it does not appear that the finding of the Industrial Tribunal regarding the charges which were levelled against the workman was specifically set aside or declared to be either improper or unjustified. It is important to note that since in this case the domestic inquiry was not held by the Company against the workman, the Tribunal itself held the inquiry by recording evidence of the witnesses on behalf of the Company in support of the charge-sheet levelled against the workman. The learned Tribunal considered in details the said evidence which also contained the evidence of the concerned workman Hamidminya who is said to have been insulted and abused by the workman. The Tribunal while giving that award had discussed in details the oral and documentary evidence which had been placed before it by the Company for the purpose of substantiating the charges against the workman. The entire evidence which was led before the

Industrial Tribunal was carefully and critically considered by the Tribunal and after such consideration the Tribunal had come to the conclusion that the charge had not been substantiated against the workman. Of course, the Tribunal had prevented the Company from bringing on record documentary evidence in respect of the instances of alleged misconduct on the part of the workman and on that account the Hon'ble High Court of Gujarat interfered and directed that the Company should be given a reasonable opportunity of bringing those instances of the alleged misconduct in the past on record so that these instances may be considered atleast for the purpose of imposing the final punishment, if any, upon the workman as well as for the purpose of order regarding reinstatement or for paying a reasonable compensation in lieu of reinstatement. From the judgement of the High Court, it clearly appears that the said finding of the learned Tribunal regarding the charge not having been proved or substantiated against the workman was neither confirmed nor specifically set aside. As such it will be necessary to reproduce the relevant passages from that award relating to the said findings of the said Industrial Tribunal in respect of the charge which had been levelled against the workman. The relevant observations are on pages 8 to 15 of the said Award and they are as under :—

"Now, as aforesaid, the only material question that now remains to be considered by me as the Tribunal is whether the charge stated in the charge-sheet. [Ex. 2(4)-Ex. (5)(5)-Ex. 26] of the act of misconduct of Shri Thakur is proved on the evidence adduced before me by the management and with regard to the evidence produced by Shri Thakur for the workman. The charge was a simple one sought to be covered by clause (8) of Standing Order 21 as governing the parties. It was that on the morning of 27th August, 1974, at about 8-30 a.m. the workman, Shri Thakur, had quarrelled with another workman, Shri Hamidminya Hyderminya, in respect of the repairing of the C.P.T. compressor and had given him foul abuses. It is material to note that the charge did not contain any allegations of Shri Thakur having a revolver in his pocket and his one hand being in the pocket at the relevant time and having dragged out Hamidminya out of his office room and threatened him with murder. Indisputably, the incident had taken place in the cabin or the office room of Shri Thakur who was the head of the mechanic department of the garage section under whom Hamidminya was working. There is no reliable evidence that any other person was inside the cabin of Shri Thakur at that time and that is not the case of the management. There is no dispute that Shri Thakur had called Hamidminya inside his chamber (room), or cabin at about 8-30 a.m. on the relevant day and asked him to do the repair work on C.P.T. Compressor and that Hamidminya had refused to do the work until he had finished the work of halloo-drilling which he was doing at that time. Hamidminya has in his deposition (Ex. 13) stated that Shri Thakur got excited when he had told him that he will first finish the work of halloo-drilling and then do the other work of compressor; that Shri Thakur began to abuse him; that he had told Shri Thakur that he should talk to the quarry manager, Shri Mahadkar, about this new work, which he would do only if Shri Mahadkar would tell him to do. According to Hamidminya, Shri Thakur took hold of his hands and pushed him out of the room and threatened him. Thus, even according to Hamidminya, the whole incident took place inside the room or the cabin or the chamber of Shri Thakur and it was because he had refused to do the work of repairing C.P.T. compressor until Shri Mahadkar gave orders, and although Shri Thakur was his immediate superior. Hamidminya further goes on to say that Shri Thakur had a revolver in his pocket and his one hand was in his pocket at the time and with the other hand he dragged him out. It is significant that the does not speak of Shri Thakur having threatened him with murder or with revolver fire. He only says that he was afraid of his life and so he got himself extricated and ran away. Hamidminya then wants to say that there were some two to three persons who restrained Shri Thakur by catching hold of him. If Hamidminya's version

that he was pushed out of the cabin by Shri Thakur is true, there was no question of any other person intervening and of Hamidminya getting himself extricated. Shri Hamidminya had to admit in his cross-examination that Shri Thakur was alone in his room when he was called on 27th August, 1974. He had to admit that he was earlier working at a distance of about 15 to 20 feet from the room. He had to admit that Usman Kasim and Hussain Ahmad were working in the garage at the time when the incident happened. Now, the evidence of Shri Hamidminya is to be appreciated with more than ordinary care and scrutiny, because his is an interested testimony. He was a workman working under Shri Thakur at all material time. He had disobeyed the instructions of Shri Thakur who was his immediate superior. The talk of repairing the compressor had taken place inside the cabin room of Shri Thakur. A charge-sheet was issued against (Hamidminya) by the management referring to the same incident on 27th August 1974. [Ex. 5(6)=25] wherein it is stated that Hamidminya had quarrelled with Shri Thakur in connection with the repairing work on C.P.T. compressor and had violently struck on the hand of Shri Thakur and this was an act of major misconduct falling under clause (16) of Standing order 21 for which an enquiry will be held against him. No enquiry was held against him by the management and he has been continued in the service. Hamidminya is thus a man who is favoured by the company in so far as the company did not hold any domestic inquiry against him and, in spite of the charge-sheet issued and in spite of Mr. Thakur's complaint Ex.24 continued him in service. Hamidminya's deposition is thus of a highly interested witness who has exaggerated his version when he says that Shri Thakur had a revolver in his pocket and his one hand was in the pocket at the time and with the other hand he dragged him out of the room. Hamidminya's testimony on the point is against the very charge issued against him. Apart from that, his testimony does not inspire any confidence whatsoever. I am not prepared to rely upon the testimony of such a highly interested workman who is continued in service without any enquiry into the act of misconduct alleged against him by his superior Mr. Thakur unless such testimony receives corroboration from an untainted source. The management tried to seek corroboration from the testimony of witness, Usman Kasim (Ex. 19) and witness, Husseinbhai Ahmadia (Ex. 20). These two witnesses were not summoned at the first instance, but were called at the next hearing by the management. May be, because of their names emerged in the examination of Hamidminya. This may mean that the management never wanted to rely upon the testimony of these two witness, viz., Usman Kasim and Husseinbhai. Whatever it may be, their evidence also does not inspire any confidence. According to Usman, he was working in the mechanic department in the garage of the company at the relevant time. He says that he saw Shri Thakur and Hamidminya quarrelling and coming out of the office. It is difficult to accept the first part of his version that he had seen the two quarrelling, because the quarrel, if any, had taken place inside the cabin. The witness then says that he heard each one abusing the other. This, again, is a highly unreliable version, because the abuses, if any, also took place inside the chamber. He then says that he saw that Shri Thakur had caught hold of the hand of Hamidminya and he had heard Thakur saying to Hamidminya that if he later speaks anything more, he will murder him; that Hamidminya then extricated himself, got his hand released and ran away. This part of the version that Thakur had threatened Hamidminya with murder, is a clear move-over and a concoction. In any case, it is an after-thought. In his deposition, (Ex.13), Hamidminya does not speak of Thakur having given him a threat of murder. The witness had to admit in his cross-examination that the distance between the place where he was working and the office of Shri Thakur was 50 to 60 paces and he could not see the door of the office from the place where he was working, because it was in a gully. It is thus difficult to see how this witness could have heard what happened inside the cabin and how he could have seen Shri Thakur dragging out Shri Hamidminya from his chamber. His version about threat to murder is a highly undependable version, an improvement upon the version given by Shri Hamidminya himself. I would not like to rely upon such testimony of Usman Kasim as lending any corroboration to the evidence of Shri Hamidminya. The testimony of Husseinbhai, (Ex.20) suffers from the same infirmity. He was also working with witness Usman at the same place and away from the cabin room of Shri Thakur, inside which the incident is alleged to have taken place. In his evidence, in the exami-

nation-in-chief he has stated that Shri Thakur had called Hamidminya to his office; that the two had quarrelled inside the office and then come out. He further states that Thakur had told Hamidminya that he would kill him with a bullet and that Hamidminya got himself free and ran away. He thus talks of the incident having taken place inside the office; Shri Thakur having threatened to kill Hamidminya and Hamidminya himself having got free and run away. He does not attribute any rescue mission either to himself or to the witness, Usman. He does not say that anyone of them had gone to the rescue of Hamidminya and intervened. He had to admit that the distance of the place where he was working was about 30 to 40 feet from Mr. Thakur's cabin. He tried to say that he had maintained a note of the incident and then again that he did not remember the date and did not maintain the note. His evidence also does not inspire any confidence. The evidence of Usman Kasim and/or Hussein Ahmad do not lend any corroboration to the testimony of Hamidminya. I am herein not applying the strict standard of proof as in a criminal case. I am considering the probabilities of the case and the preponderance of the evidence. As aforesaid, Hamidminya's version is of an interested witness, a person who has found favour with the company and who has been continued in service in spite of a charge of major act of misconduct having been levelled against him by the Company itself. Again, as aforesaid, the incident had taken place inside the cabin and at a distance from the place where Hamidminya and others were working. Nobody could have been a witness to this incident in the cabin. The question of revolver being pointed out or of threatening by Shri Thakur did not arise and did not find any mention in the charge-sheet against Shri Thakur. Hamidminya was a person serving under Shri Thakur who was his immediate superior. Hamidminya was called for doing some work as it was urgent in nature, in the opinion of Shri Thakur, and he had refused to do the work. Shri Thakur had lodged a complaint against Hamidminya about this on the very day and it is thereafter that the charge-sheet was issued against Shri Thakur and another charge-sheet against Hamidminya. Hamidminya's testimony does not even otherwise inspire any confidence as coming from a dependable witness. It is difficult to accept the management's version that Shri Thakur had picked up a quarrel with Hamidminya and had abused him and had thus committed an act of grave misconduct falling within the mischief of clause (8) of Standing Order 21 governing the parties. In my considered opinion, there is no reliable evidence of Shri Thakur having quarrelled with Shri Hamidminya or having shown indecent behaviour within the premises of the establishment. On the evidence adduced by it, the management had failed to prove the charge of misconduct against Shri Thakur. It was, therefore, not necessary for Shri Thakur to lead evidence on merits. However, Shri Thakur examined himself and his evidence was recorded at Ex. 23. He has stated in his evidence that he was a mechanic, class I, and had received training at the Government centre. Referring to the incident, he has stated that on 27th August, 1974, he had joined duty at 8 a.m. and had called Hamidminya to his office at the garage in connection with the repairing work of C.P.T. compressor; that Hamidminya had refused to do the work; that Hamidminya had become excited; that Hamidminya was in rage; that Hamidminya gave a slap to him on his forehead, right-hand side. Shri Thakur had immediately made a report to the management of this incident, office copy of which is produced from the record of the company at Ex. 24. It would be material to refer to this report made by Shri Thakur on the very day of the incident on 27th August, 1974, wherein he has stated that he had asked Hamidminya to do the work of repairing on the compressor, but Hamidminya had all of a sudden violently struck at Shri Thakur and run away. This report made immediately after the incident, lends credence to the evidence of Shri Thakur that Hamidminya was the recalcitrant workman who had defied the order of his immediate superior. The incident had taken place inside the cabin. Shri Thakur further proceeds to say that the Company had given a charge-sheet to Hamidminya, but the company did nothing about it, made no enquiry against Hamidminya and Hamidminya is continued in service. In his cross-examination made by Shri Joshi, Shri Thakur has stated that he had called Hamidminya in his room (chamber) at 8.30 a.m. and asked him to work on the C.P.T. compressor, but he had refused to do so; that Thakur had asked Hamidminya to leave the work because unless the compressor work was done, the drilling could not be done. According to Shri Thakur, this was the only talk

between them and then Hamidminya gave him a slap and left him. It is significant to note that in the cross-examination Shri Joshi, Labour Adviser of the Company, had put a question to Shri Thakur, "Because you asked Hyderman to leave the work and do other work, he gave a slap to you and left. Is that what you mean?" the answer of Shri Thakur was, "May be so". It is again significant to note that Shri Joshi has not put any question to Shri Thakur about his having threatened Hamidminya with death or having pointed the revolver at Hamidminya, but on the contrary Shri Joshi wanted to again introduce a question about the alleged past misconduct of Shri Thakur and the apology he had given in writing in the year 1972. Thus, there is word against word, Shri Thakur saying that Shri Hamidminya had quarrelled with him and had slapped him or violently struck at him and Shri Hamidminya saying that it was Thakur who had abused him and quarrelled with him and all this had taken place in the garage. Shri Thakur is supported in his statement by his own complaint (Ex. 24) which was made immediately thereafter. Even apart from this complaint (Ex. 24), I find that the evidence of Shri Thakur is a straight forward version of the events which have very likely taken place inside the cabin. In any view of the matter, Shri Hamidminya's evidence is not trustworthy, looking at it from any standard of proof, and not from the strict standard of proof as in the case of criminal case. His evidence is a highly interested untrustworthy testimony coming from a man who has curried favour from the management and who has been called to depose at the next hearing and has put in a deliberate version of Shri Thakur having pointed a revolver at him, the version which is a real concoction. This is the state of evidence on record, insofar as the charge of the alleged misconduct is concerned. In my opinion, the charge is not proved."

10. Since the High Court of Gujarat was pleased to remand this reference to this Industrial Tribunal for the specific purposes of affording a reasonable opportunity to the management to lead all this evidence which was shut out and then proceed to decide the matter in respect of that evidentiary material the evidence already led by the Company cannot be discarded. As stated above, after remand of this matter from the High Court the Company has filed in all two affidavits of its officers and certain documents which were not considered by the Tribunal have also been placed on record and these have also been duly exhibited. On the scrutiny of the two affidavits Ex. 36 and 38, it will appear that they have been filed only with a view to showing the instances of past misconduct on the part of the workman. From this additional evidence in the form of these two affidavits led by the Company nothing fresh has been brought on record of this reference to upset the findings already given by the then Industrial Tribunal regarding the specific charge which was levelled against the workman in respect of the incident which is said to have taken place on 27-8-1974. Since no further evidence has been led and since no new material has been brought on record of this reference to justify disagreement or to disregard the said finding given by the then Industrial Tribunal, it will not be proper to hold otherwise than what the said Tribunal had held regarding the alleged charge against the workman. This would be specially so, because, the Hon'ble High Court of Gujarat has not made any observations in respect of that aspect of the Award given by the then Industrial Tribunal. I have myself examined the evidence led by the Company in support of the charge levelled against the workman and after careful consideration I am clearly of the view that there does not appear to be any ground to disagree with the findings at which the previous Industrial Tribunal had arrived at after considering the said evidence. I am, therefore, in respectful agreement with the said findings that the Company had failed to prove the alleged charge against the workman. Of course, the Company has succeeded in bringing on record instances regarding the previous misconduct on the part of the workman and that fact will be definitely considered by this Tribunal at the time of passing the final order regarding the reinstatement or the payment of reasonable compensation in lieu of reinstatement, to the workman.

11. Shri D. C. Gandhi, the learned Advocate appearing on behalf of the Company has tried to urge that in this case the Company was within its jurisdiction and fully justified in terminating the services of the workman on account of the past incidents of misconduct on the part of the workman. It is also contended by him that in such case it would not be necessary for the employer to hold a domestic inquiry before terminating the services of a workman whose conduct has

been consistently found to be unsatisfactory. He has cited a decision of the Supreme Court of India in the case of Municipal Corporation, Greater Bombay and P. S. Mavliankar and others reported in 1978 II L.L.J. at page 168. On going through that decision of the Supreme Court, it will appear that the facts of that case were quite different from those of the present case and, therefore, the said decision would not govern the present case. The relevant observations are in paragraph 7 of the judgment on page 171 and they are as under :—

"Let us now proceed to consider whether the impugned order was covered by Standing Order 26 or it was punitive in character and could not, therefore, be passed except after a disciplinary inquiry under cl. (2) of Standing Order 26 or it was punitive in character and could not, therefore, be passed except after a disciplinary inquiry under cl. (2) of Standing Order 21 read with Standing Order 23. It is now well-settled that the question whether a particular order terminating the service of an employee is by way of punishment or not has to be determined on the facts and circumstances of each case and the form of the order is not decisive of the matter. Here, under Standing Orders, two powers are given to the management, one is the power to impose punishment for misconduct after a disciplinary inquiry under cl. (2) of Standing Order 21 read with Standing Order 23 and the other is the power to terminate the service of an employee by one calendar month's written notice or pay in lieu thereof under Standing Order 26. The question is as to which power has been exercised by the management in the present case and this question has to be determined having regard to the substance of the matter and not its form. Now, one thing must be borne in mind that these are two distinct and independent powers and as far as possible, neither should be construed so as to emasculate the other or to render it ineffective. One is the power to punish an employee for misconduct while the other is the power to terminate simpliciter the service of an employee without any other adverse consequence. Now, proviso (i) to cl. (1) of Standing Order 26 requires that the reason for termination of the employment should be given in writing to the employee when exercising the power of termination of service of the employee under Standing Order 26. Therefore, when the service of an employee is terminated simpliciter under Standing Order 26, the reason for such termination has to be given to the employee and this provision has been made in the standing order with a view to ensuring that the management does not act in an arbitrary manner. The management is required to articulate the reason which operated on its mind in terminating the service of the employee. But merely because the reason for terminating the service of the employee is required to be given—and the reason must obviously not be arbitrary, capricious or irrelevant—it would not necessarily in every case make the order of termination punitive in character so as to require compliance with the requirement of cl. (2) of Standing Order 21 read with Standing Order 23. Otherwise, the power of termination of service of an employee under Standing Order 26 would be required meaningless and futile, for in no case it would be possible to exercise it. Of course, if misconduct of the employee constitutes the foundation for terminating his service, then even if the order of termination is purported to be made under Standing Order 26, it may be liable to be regarded as punitive in character and hence attracting the procedure of cl. (2) of Standing Order 21 read with Standing Order 23, though even in such a case it may be argued that the management has not punished the employee but has merely terminated his service under Standing Order 26. It is, however, not necessary for us in the present case to pronounce on this controversy since we find that in the present case the reason given for terminating the service of the respondent was unsatisfactory record of service. No misconduct was alleged against the respondent nor was any misconduct made the foundation for passing the impugned order of termination. The order of termination was

clearly not passed by way of punishing the respondent for any misconduct. The view that the service of the respondent was not satisfactory was undoubtedly based on past incidents set out the record but for each of these incidents punishment in one form or another had already been meted out to her and it was not by way of punishment for any of these incidents, but because as gathered from these incidents, her record of service was unsatisfactory that her service was terminated by the management under Standing Order 26. It is, therefore, not possible for us to regard the order of termination as punitive in character so as to invite the applicability of cl. (2) of Standing Order 21 read with Standing Order 23."

12. From the above observations it will appear that in that case no misconduct was alleged against the defaulting workman and in fact no misconduct was made the foundation for passing the impugned order. The facts of the present case are quite different because in this case the workman was sacked because the complaint was filed against him by a co-worker Shri Hamidminya. Before passing the order a charge-sheet was given to the workman and it was duly served upon him. A mere look at the charge-sheet Ex. 2/4 would show that it contains allegations regarding serious misconducts on the part of the workman. Not only that but the Company has admitted through its written statement that they intended to hold a domestic inquiry against the workman regarding the said charge-sheet in respect of the misconduct alleged against him. In fact the workman was also informed that the Inquiry Officer would come from Mithapur and he would intimate to him the date and time for holding such domestic inquiry. It was also further explained by the Company that because the workman had already approached a criminal court by filing a complaint against Hamidminya and since the matter was before a court of law, it was not found desirable to proceed with that domestic inquiry. From these facts it is abundantly clear that the Company had decided to take action against the workman for his misconduct as enumerated in the said charge-sheet. In view of these facts, the decisions cited by the learned Advocate Shri D. C. Gandhi, would not be of any assistance to the Company. On account of these reasons also, I come to the conclusion that the action taken by the management of the Company against the workman was a penal action and it was taken against him for the alleged misconduct as contained in the charge-sheet. If that is so, the Company should have followed the procedure as prescribed in the Standing Orders applicable to the workmen employed by the Company. A domestic inquiry could have been held against him and he should have been given an opportunity to defend himself during that inquiry. I am also of the view that even before the Tribunal the Company has failed to prove the charge against the workman as the evidence of Hamidminya as well as of the two other witnesses examined on behalf of the Company, was not satisfactory and on the basis of that evidence the charge could not be substantiated against the workman as rightly held by the previous Industrial Tribunal.

13. Since the order passed by the Company terminating the services of the workman has been found to be illegal and ineffective, the normal consequence would be that the workman be directed to be reinstated in his original position, with continuity of service and with the payment of his full back wages. Now, it is the settled position of law that in case of wrongful discharge or dismissal the normal rule would be reinstatement of the workman but for certain reasons when it would be desirable in the interest of industrial peace and in the interest of the cordial relations between the employer and the employees, instead of reinstatement the Tribunals and Courts can order the payment of reasonable compensation to the concerned workman. In this case, therefore, it will have to be seriously considered whether it would be legal, proper, and also desirable to order the reinstatement of the workman in his original position in the service of the Company? After the remand of this matter from the High Court of Gujarat, the Company has brought on record certain documentary evidence which has remained unrebutted showing that on as many as 7 previous occasions the workman had been found to be guilty of misconduct for which on a number of occasions he had to offer an apology to the Company. The first instance of misconduct on his part relates to 17-11-1970 when a complaint was made against him by one Shri R. D.

Rajvarguru, General Supervisor. He was Supervisor over the workman and it is alleged that he refused to carry out the instructions given by that Supervisor and so also reluctant to work under him. This incident is borne out by the document produced at Ex. 31/1 and 31/2. It is the case of the Company that for this incident the workman was orally warned that he should not repeat such incidents. The second incident took place on 4-11-1971 when the workman had indulged in gross negligence in the performance of his duties and had also shown disobedience towards Shri V. V. Nayak, the Quarry Manager. This incident is supported by the complaint Ex. 31/4 on 4th November, 1971. In that connection even the charge-sheet Ex. 31/3 was given to the workman and a domestic inquiry was also held against him as would be evident from the inquiry papers at Ex. 35. For that incident the workman was suspended for four days as would be clear from the suspension order Ex. 31/1. The letter Ex. 33/1 dated 17-11-1970 would further show that the workman had intimated under his own signature that he was not willing to serve under a particular officer of the Company.

14. The third incident took place on 3-10-1972 when the workman is alleged to have misbehaved with and insulted one Shri N. H. Bhatt, the Quarry Manager. In this connection the complaint made by Shri N. H. Bhatt on 3-10-1972 is produced at Ex. 31/5. The original complaint of Shri Bhatt is also on record at Ex. 37/1. In that incident the workman had offered apology as would be clear from his own apology letter Ex. 37/2 dated 4-10-1972. Its copy is also produced at Ex. 5/2. For that incident the workman was warned in writing through the letter dated 4-10-1972 Ex. 5/3. The fourth incident took place on 15-3-1973 when the workman is alleged to have insulted and abused Shri G. B. Trivedi, the Personnel Officer. In this connection Shri Trivedi had given a report in writing which is produced at Ex. 31/6.

15. The fifth incident took place on 12-7-1974 when it is alleged that the workman insulted, abused and threatened one Shri S. D. Patel the Mines Foreman. In that connection the complaint Ex. 31/7 was made by Shri S. D. Patel on 17-9-1974. For that incident also the workman had apologized in writing and the letter of his apology is produced at Ex. 5/4 which is dated 15-7-1974. The sixth incident took place on 28-8-1974 when he had a scuffle and quarrel with one Hyderminya. This incident is borne out from the document Ex. 5/5. The seventh and the last incident took place on 27-8-1974 which resulted in the filing of chapter cases by the workman and Hamidminya. The copies of those complaints are produced at Ex. 8/1 and 9/1.

15. From the enumeration of the above instances of past misconduct on the part of the workman, it will not be desirable to order his reinstatement in the service of the Company because, if he is again reinstated, there would always be disturbance of peace and unrest in the work of the quarries. Not only that but the industrial peace which prevails at present would be severely disturbed and the smooth working of the quarries would also be seriously disturbed. To direct reinstatement of such a workman would be putting the employer into an embarrassing position and by doing so there would always be danger of industrial unrest and fear of disturbances. As such, I am of the opinion that this is a peculiar case in which it will not be desirable to order reinstatement of the workman even though a finding has been given that he has been wrongly discharged from service or the order regarding the termination of his services was illegal and unenforceable. This being the position, I feel that it will be in the interest of the industrial peace as well as in the interest of the workman himself, that instead of ordering his reinstatement under the Company, a direction be given that he should be paid some reasonable compensation in lieu of such reinstatement. It will, therefore, be considered as to what should be the said compensation? The workman was discharged from service vide the order Ex. 2/5 dated 22-10-1974. From that date till today he has remained out of employment under the Company. Considering all the facts of this particular case especially the past conduct of the workman, I feel that the interests of justice would be fully met with if it is directed that from the date of his discharge from service i.e. from 22-10-1974 till the publication of this Award in the Gazette of India, the workman is paid 50 per cent of his full wages including all allowances etc. which he was receiving on the date of the termination of his services. In addition to that he should also be paid his all other legal dues such as gra-

tully, unpaid wages, wages for leave due to him, bonus, and provident fund. If the workman has already been paid after the termination of his services any compensation by the Company, the said amount shall have to be adjusted against the total amount which may be found due and payable to him.

ORDER

16. (i) It is hereby declared that the Order Ex. 2/5 dated 22-10-1974 passed by the Company, terminating the services of the workman is illegal and ineffective. Consequently, normally, the workman would be entitled to reinstatement in his original position but for the reasons discussed above, it is directed as under :—

- (a) It is hereby directed that instead of reinstatement the workman shall be paid 50 per cent (fifty per cent) of his total wages including all allowances which he was receiving on the date of which his services were terminated i.e. from 22-10-1974 till this award is duly published in the Gazette of India.
- (b) It is also directed that in addition to the payment of those wages, the workman shall also be paid his all other legal dues such as gratuity, unpaid wages, if any, wages on account of leave standing to his credit, bonus and provident fund due and payable to him.
- (c) If the workman has been paid any amount by way of compensation, the said amount shall be adjusted against the total amount which may be found due and payable to him on account of the above directions.
- (d) The amount found due and payable to the workman in accordance with the above directions shall be paid to him within a period of one month from the publication of this award in the Gazette of India.

(ii) The first party to bear its own costs and also to pay the costs of the Union viz. Chemical Kamdar Sangh, which are quantified at Rs. 1000 (Rupees one thousand only).

R. C. ISRANI, Presiding Officer
4-5-1979.

Ahmedabad,
Dated 3-5-1979.

[No. L-29011/22/75-D.III.B]

New Delhi, the 7th June, 1979

S.O. 2096.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Dhanbad in the industrial dispute between the employers in relation to the management of Bhanakhap Mica Mine, P.O. Singer, District Nawadah of M/s. Bhanakhap Mica Mining Co. and their workmen, which was received by the Central Government on the 17th May, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 4 of 1977

Management of Bhanakhap Mica Mine, P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Co.

AND

Their Workmen.

APPEARANCES :

On behalf of the Employers—Shri S. N. Jha, Agent.

On behalf of the Workmen—Shri B. Singh, General Secretary, Abrakh Mazdoor Panchayat.

State : Bihar

Industry : Mica.

Dhanbad, the 10th May, 1979

198 GI/79—10

AWARD

The Government of India, Ministry of Labour, being of opinion that an industrial dispute exists between the employers in relation to the management of Bhanakhap Mica Mine P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Co. and their workmen by their order No. L-28011/2/77-D. IIIB, dated the 14th/18th October, 1977 referred the same to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act 1947 for adjudication on the issue as an schedule below :—

SCHEDULE

“Whether the demand of the workmen of Bhanakhap Mica Mine P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Co. for payment of bonus @20 per cent for a/c year ending on 31-12-1975 is justified? If so, to what relief are the workmen entitled?”.

2. After receipt of the order of reference, parties were informed to file their written statements. On 31-1-1979 written statement was filed by the workmen and the employers sought adjournment for filing the written statement on the next date. Ultimately on 5-4-1979 both parties appeared and filed a joint petition of compromise settling the industrial dispute. I heard the parties on the joint petition of compromise and it is submitted by them that an award be passed in terms of the settlement. It appears that the joint petition of compromise has been duly signed by the General Secy. Abrakh Mazdoor Panchayat, Jhumritelaiya, Hazari bagh from the side of the workmen and by Agent, Bhanakhap Mica Mining Company, Jhumritelaiya, Hazaribagh from the side of the management. The terms of settlement appears to be beneficial to the parties and nothing stand in the way of an award being passed thereon.

In the result I pass an award in respect of the Industrial Disputes referred to on terms as embodied in the joint petition of compromise (settlement) which do form part of the Award as Annexure A.

J. P. SINGH, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

CAMP : PATNA

Reference No. 4 of 1977

PARTIES :

Employers in relation to the management of Bhanakhap Mica Mining Company, Jhumritelaiya, Hazari-bagh.

VRS.

Their workmen represented through Abrakh Mazdoor Panchayat, Jhumritelaiya.

The humble joint petition on behalf of the afoesaid parties.

Most respectfully sheweth :—

1. That the Govt. of India had been pleased to refer the following terms of reference to this court for adjudication.

“Whether the demand of the workmen of Bhanakhap Mica Mine, P.O. Singer, Distt. Nawadah of M/s. Bhanakhap Mica Mining Company, for payment of bonus @20 per cent for accounting year ending on 31-12-1975 is justified. If so, to what relief are the workmen entitled?”

2. That your honour had been pleased to direct the parties to file their written statements.

3. That on receipt of the notice, the parties to the dispute had started negotiations over the matter.

4. That the negotiation have ended in mutual settlement which has been arrived at on 3-4-1979.

5. That the copies of the said settlement in six copies are filed herewith, which forms annexure to this joint petition.

6. That with this humble joint petition, it is prayed that your honour would be very pleased to accept the said settlement and would be further pleased to give its award in terms of the said mutual settlement.

It is, therefore, prayed that your honour would be very much pleased to accept the settlement annexed herewith and would also be further pleased to give its award in terms of the said settlement.

And for this, both the parties shall ever pray.

Sd/-

(S. N. Jha)

Agent

Bhanakhap Mica Mining
Company, Jhumritelaiya,
Hazaribagh.

Sd/-

(Bhubaneshwar Singh

General Secretary,

Abrakh Mazdoor Panchayat,
Jhumritelaiya, Hazaribagh

Dated : Patna,

The 5th April, 1979.

Memorandum of mutual settlement arrived at between the management of Bhanakhap Mica Mining Company Jhumritelaiya and their workmen represented through Abrakh

Mazdoor Panchayat (HMP) on 3-4-1979

PRESENT :

Representative of Management—Sri S. N. Jha, Agent.

Representative of the Abrakh Mazdoor Panchayat—Sri
Bhubaneshwar Singh, General Secretary.

Short recital of the case

The General Secretary, Abrakh Mazdoor Panchayat raised an industrial dispute regarding payment of bonus @20 per cent for the accounting year, 1975 to the workmen under his letter No. 249/kh/76 dated 7-9-1976.

On the other hand the management contended that there was no profit during the accounting year 1975 as the mica industry had been facing slump. Besides, the dispute is bad in law because of the fact that no dispute had ever been raised before the management.

The efforts were made by the Assistant Labour Commissioner (Central), Hazaribagh for an amicable settlement, but having no meeting ground, the Assistant Labour Commissioner (Central submitted his report to the Govt. of India. On receipt of the report the Govt. of India had been pleased to refer the matter for adjudication to the Industrial Tribunal No. 2, Dhanbad.

Ultimately, the management on receipt of the summon from the Industrial Tribunal No. 2, Dhanbad started to negotiate over the matter of reference and lastly the matter ended in mutual settlement on the following terms.

Terms of Settlement

1. It is agreed by both the parties that the bonus @ 8.33 percent for the accounting year 1975 will be paid to the workmen employed at Bhanakhap Mica Mine, P.O. Singer, Nawadah Dist. by the management.

2. It is agreed that the bonus will be paid within one month from the date of settlement.

3. It is agreed that the copy of this settlement will be filed before the Hon'ble Industrial Tribunal, No. 2, Dhanbad, with a petition praying therein for accepting the settlement and giving its award in terms of settlement.

Sd/-

(S. N. Jha) Agent,

Bhanakhap Mica Mining Company.

Sd/-

(Bhubaneshwar Singh),

5-4-1979.

General Secretary,

Abrakh Mazdoor Panchayat,

5-4-1979.

[No. L-28011/2/77-D. III-B]

A. K. ROY, Under Secy.